

# **APPENDIX 1**

## **PART 1: SUMMARY AND EXPLANATION**

# Summary and explanation

## The councils' constitution

1. South Oxfordshire and Vale of White Horse district councils have agreed a constitution which sets out how the councils operate, how decisions are made and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for each council to choose.
2. The constitution is for the benefit of people who use council services, those who do business with the council, councillors and officers.

## What's in the constitution?

3. The constitution is divided into three sections:
  - Summary and explanation – this section sets out how the councils operate.
  - Decision making – this section sets out how decisions are made including the remit of Cabinet and each of the councils' committees, details of the councils' decision making mechanisms and a scheme of delegation setting out who is responsible for taking which decision.
  - Codes, protocols and procedure rules – this section sets out the expected standards of behaviour for officers and councillors and includes financial, contracts and officer employment procedure rules.

## How the councils operate

### COUNCILLORS

4. South Oxfordshire District Council is made up of 36 councillors and Vale of White Horse District Council is made up of 38 councillors elected every four years with elections due in May 2019. Councillors are elected for an area known as a 'ward' and are democratically accountable to residents of their ward, but they also have an overriding duty to the whole community, including people who did not vote for them.
5. All councillors will:
  - (a) collectively be the ultimate policy-makers and carry out a number of strategic 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 and 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.
6. Councillors have the right to access council documents, information, land and buildings that they need to carry out their functions. 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.
  7. Councillors must follow the councillors' code of conduct and the protocol on councillor/officer relations set out in part 3 of this constitution to ensure high standards in the way they undertake their duties. The Joint Audit and Governance Committee oversees the code of conduct and complaints arising.
  8. Councillors are entitled to allowances and expenses, in accordance with the councillors' allowances scheme as set out in part 3 of this constitution that have been determined by each Council after considering a report by an Independent Remuneration Panel (consisting of people who are not councillors).
  9. All councillors meet together as the Council, at meetings that are normally open to the public. Here, councillors decide the council's policy framework and set the budget each year.
  10. Both councils operate a leader and executive model of governance. This means each council elects its own leader every four years. He/she then appoints up to nine other councillors to form the Cabinet, one of whom will be the deputy leader. The leader and deputy leader will act as chairman and vice-chairman respectively of the Cabinet. As a balance, each council's Scrutiny Committee holds the Cabinet to account.
  11. Councillors also make decisions in relation to regulatory functions, for example determining planning applications and licensing matters. Council appoints committees of councillors to make decisions on these matters. Full details of the councils' committees are set out in part 2 of this constitution.

## THE CHAIRMAN

12. Each council will elect a chairman annually from the membership of the council.
13. The chairman (or in his/her absence, the vice-chairman) will have the following roles and 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 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 in the Cabinet or hold committee chairmanships are able to hold the Cabinet and committee chairmen to account;
- (d) to promote public involvement in the council's activities; and
- (e) to attend such civic and ceremonial functions as the council and/or he/she determines appropriate or to appoint a representative to attend on his/her behalf.

## **How decisions are made**

14. Decisions relating to certain functions must be taken by Council. Council delegates most of the decision making to a number of committees and officers. Details are available under the responsibility for functions section in part 2 of this constitution.

### **PRINCIPLES OF DECISION MAKING**

15. All decisions of the councils will be made in accordance with the following principles:
- (a) proportionality – i.e. the action should be proportionate to the desired outcome;
  - (b) decisions will be taken on the basis of due consultation and professional advice from officers;
  - (c) respect for human rights;
  - (d) a presumption in favour of openness;
  - (e) clarity of aims and desired outcomes; and
  - (f) in accordance with the law and the council's agreed procedures, as set out in this constitution.

### **COUNCIL MEETINGS**

16. Meetings of Council, which are chaired by the chairman of the council, are more formal than Cabinet or committee meetings. Decisions are taken following a debate by councillors in which motions setting out recommended action are discussed. Amendments to these motions may also be discussed as part of the debate.

### **THE EXECUTIVE (CABINET)**

17. The executive (known as the Cabinet at each council) is responsible for most day-to-day decisions. These decisions can be delegated by the leader to the Cabinet, committees of the Cabinet and individual councillors on the Cabinet or officers.
18. The Cabinet is made up of the leader and up to nine other councillors appointed by the leader. Councillors appointed to the Cabinet are given specific areas of responsibility known as portfolios. These members of Cabinet are also known as 'portfolio holders'.

19. When 'key' decisions are to be made, these are published in the Cabinet work programme insofar as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the council's overall policies and budget. If Cabinet considers a matter which is outside the budget or policy framework, this must be referred to the Council for determination.

#### KEY DECISIONS

20. A key decision is a decision of the Cabinet, individual Cabinet member or an officer acting under delegated powers which is likely:
- (a) to incur expenditure, make savings or to receive income of more than £75,000;
  - (b) to award a revenue or capital grant of over £25,000; or
  - (c) to agree an action that, in the view of the chief executive, a strategic director or the relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.

#### SCRUTINY

21. Each council is required to appoint at least one district Overview and Scrutiny Committee (usually called a 'Scrutiny Committee') each year. The councils also have a Joint Scrutiny Committee. These committees hold inquiries in public into matters of local concern and may make reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery and performance. The scrutiny committees may set up such panels as they consider appropriate to deal with reviews of service provision and delivery. The committees may also consider matters of wider local concern, which are not the council's direct responsibility.
22. Each council's district Scrutiny Committee monitors the decisions of its Cabinet and can 'call-in' a key decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate and to make recommendations, e.g. that the Cabinet reconsiders the decision. Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

#### OTHER COMMITTEES

23. The committee system consists of a number of service based committees and panels taking decisions within their terms of reference agreed by full Council. The main committees are:
- Planning Committee;
  - Licensing Acts Committee;
  - General Licensing Committee; and
  - Community Governance and Electoral Issues Committee.

24. The councils also operate joint committees. Currently these are the Joint Scrutiny Committee, Joint Audit and Governance Committee and Joint Staff Committee.

#### JOINT ARRANGEMENTS

25. Council may establish joint arrangements with one or more local authorities to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities and the delegation of functions to the joint committee. Currently the council is involved in the Five Councils Partnership Corporate Services Joint Committee and Joint Scrutiny Committee.
26. 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 and the delegation of functions to the joint committee. Currently the council is involved in the Oxfordshire Growth Board.

### **Meetings of the Council, Cabinet and committees**

#### NOTICE OF MEETINGS

27. The council will give at least five clear working days' notice of any statutory meeting by publishing the agenda and reports which are to be considered on the relevant council's website, unless the meeting is convened at shorter notice as a matter of urgency.

#### EXCLUSION OF PRESS AND PUBLIC

28. Members of the press and public will be asked to leave a meeting if it is likely that confidential or exempt information will be disclosed.

**Exempt information** is information falling into one or more of the following categories as specified in part 1 of schedule 12A of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006:

- (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 relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and
- (g) 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.

29. Information which falls within any of paragraphs (a) to (g) above is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**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.

### The council’s staff

30. The councils employ staff (called officers) to give advice, implement decisions and manage the day to day planning and delivery of the wide range of functions undertaken for the councils on a non-party political basis. Some officers have a specific duty to ensure that the council acts within the law and to use its resources wisely. A protocol in part 3 of this constitution governs the relationships between officers and councillors. The councils’ most senior officers are set out below with details of their responsibilities:

Post	Functions and area of responsibility
Chief executive	Head of paid service  Overall corporate management and operational responsibility (including overall management responsibility for all officers)  Provision of professional advice to all parties in the decision making process
Heads of service	Corporate strategy Finance HR, IT and technical services Legal and democratic services Development and housing Planning

### Structure

31. The head of paid service will determine and publicise a description of the overall departmental structure of the councils showing the management structure and deployment of officers.

32. In addition the councils are required to appoint three statutory officers whose roles are set out below:

Post and designation	Role and responsibilities
<p>Head of paid service (chief executive) (Cannot be the monitoring officer but may hold the post of the chief finance officer if a qualified accountant.)</p>	<p><b>Discharge of functions by the council.</b> The head of paid service is the councils' principal advisor and is responsible for the overall discharge of the councils' functions.</p>
<p>Monitoring officer (head of legal and democratic services) (Cannot be the chief finance officer or the head of paid service)</p>	<p><b>Maintaining the constitution.</b> The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by councillors, officers and the public.</p>
	<p><b>Ensuring lawfulness and fairness of decision making.</b> After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council or to the Cabinet in relation to a Cabinet function if he/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.</p>
	<p><b>Standards of councillor conduct.</b> The monitoring officer will contribute to the promotion and maintenance of high standards of conduct of councillor conduct and will receive and act on code of conduct complaints.</p>
	<p><b>Proper officer for access to information.</b> 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.</p>
	<p><b>Advising whether executive decisions are within the budget and policy framework.</b> The monitoring officer will advise whether decisions of the Cabinet are in accordance with the policy framework.</p>
	<p><b>Providing advice.</b> 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.</p>



Chief finance officer (Head of finance) (Cannot be the Monitoring Officer)	<b>Ensuring lawfulness and financial prudence of decision making.</b> After consulting with the head of paid service and the monitoring officer, the chief finance 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/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.
	<b>Administration of financial affairs.</b> The chief finance officer will have responsibility for the administration of the financial affairs of the council, in accordance with the provisions of Section 151 of the Local Government Act 1972.
	<b>Contributing to corporate management.</b> The chief finance officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
	<b>Providing advice.</b> The chief finance 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 and will support and advise councillors and officers in their respective roles.
	<b>Give financial information.</b> The chief finance officer will provide financial information to the media, members of the public and the community.

33. The councils are required to provide the monitoring officer and chief finance officer with sufficient officers, accommodation and other resources to allow them to perform their duties.
34. The councils approve an annual pay policy statement before the start of the financial year and this includes details of the remuneration of senior officers. It can be accessed on the councils' websites.
35. Officers must comply with the employee conduct policy available on the intranet and the protocol on officer/councillor relations set out in part 3 of this constitution.
36. The recruitment, selection and dismissal of officers will comply with the officer employment procedure rules set out in part 3 of the constitution.

## Rights of members of the public

37. The public have a number of rights in their dealings with the councils. Some of these are legal rights, whilst others depend on the councils' own processes.

38. The public have the right to:

- (a) vote at elections if they are registered;
- (b) contact their local councillor about any matters of concern to them;
- (c) obtain a copy of the constitution;
- (d) attend meetings of Council and committees except where, for example, personal or confidential matters are being discussed;
- (e) petition to request a referendum on a mayoral form of executive;
- (f) participate in meetings of Council, committees and panels and contribute to investigations by the scrutiny committees as set out in part 2 of this constitution;
- (g) find out, from the Cabinet work programme, what major decisions are to be discussed by Cabinet or to be decided by Cabinet members or officers, and when;
- (h) attend meetings of Cabinet where key decisions are being discussed or decided, except where confidential or exempt information is being discussed;
- (i) see reports and background papers, and any record of decisions made by the Council and Cabinet;
- (j) complain to the council, in accordance with the council's complaints procedure, about any service for which the council is responsible;
- (k) complain to the Local Government Ombudsman if they think the council has not followed its procedures properly. However, they should only do this after using the council's own complaints process;
- (l) complain to the council's monitoring officer if they have evidence which they think shows that a councillor has not followed the council's code of conduct; and
- (m) inspect the councils' accounts and make their views known to the external auditor.

39. The councils welcome public participation in their work. For further information on your rights, or if you would like to inspect agendas and reports or attend any Council, Cabinet or committee meetings please see the councils' websites [www.southoxon.gov.uk](http://www.southoxon.gov.uk) or [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk) or contact democratic services at [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)

## Authentication of documents

40. Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the head of legal and democratic services or by the chief executive or a strategic director or a senior lawyer unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

## **Common seal of the council**

41. The common seal of the council will be kept in a safe place in the custody of the head of legal and democratic services. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents, which in the opinion of the head of legal and democratic services should be sealed. The affixing of the common seal will be attested by the head of legal and democratic services or by the chief executive or a strategic director or a senior lawyer.

## **Review and revision of the constitution**

42. The monitoring officer will monitor and regularly review the operation of the constitution.
43. Changes to the constitution will only be approved by Council and after consideration of a report by the monitoring officer. The Joint Constitution Review Group may consider proposals and make recommendations to Council.

# **PART 2: DECISION MAKING**

# The full Council

This part of the constitution explains the role of the full Council (at South Oxfordshire District Council this is all 36 councillors and at Vale of White Horse District Council all 38 councillors), what decisions can be made only by the full Council and includes the Council procedure rules.

1. **Policy framework.** The policy framework means the following plans and strategies:
  - (a) corporate plan and priorities;
  - (b) licensing policy statement;
  - (c) gambling statement of principles; and
  - (d) plans and alterations which together comprise the development plan (the “Local Plan”).

2. **Budget.** The budget includes:
  - (a) the calculation of the revenue budget requirement;
  - (b) the original and revised revenue estimates;
  - (c) the capital programme;
  - (d) the allocation of financial resources to different services and projects;
  - (e) proposed contingency funds;
  - (f) the council tax base;
  - (g) setting the council tax;
  - (h) the annual investment strategy; and
  - (i) decisions relating to the control of the council’s borrowing requirements and control of its expenditure.

## Functions of the full Council

3. Only the full Council will exercise the following functions, to:
  - (a) adopt and change the constitution subject to amendments being made by the head of legal and democratic services to reflect changes in staff responsibilities;
  - (b) approve or adopt the policy framework and the budget;
  - (c) make decisions on matters that are the responsibility of the Cabinet where the decision maker is minded to make it in a manner that would be contrary to the policy framework, outside the budget, or outside any limits on the Cabinet’s ability to make minor changes to the budget;
  - (d) elect the leader and remove him/her from office;
  - (e) agree and/or amend the terms of reference for committees, decide on their composition and make appointments to them except where the head of legal and democratic services exercises a delegation to make appointments;
  - (f) adopt a councillors’ allowances scheme;
  - (g) approve the council’s pay policy statement on an annual basis;
  - (h) change the name of the area;
  - (i) adopt the councillors’ code of conduct;

- (j) confer the title of honorary alderman or honorary freeman;
- (k) appoint councillors to the Oxfordshire Joint Health Overview and Scrutiny Committee and the Thames Valley Police and Crime Panel;
- (l) appoint the head of paid service, the chief finance officer, the monitoring officer, the returning officer and the electoral registration officer;
- (m) make, amend, revoke, re-enact or adopt bylaws and promote or oppose the making of local legislation or personal bills;
- (n) decide whether to accept a delegation from another local authority under joint arrangements, carry out or delegate all local choice functions which the council decides should be undertaken by itself rather than the Cabinet; and
- (o) deal with other matters which, by law, must be decided by Council.

## **Council meetings**

4. There are three types of Council meeting:

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

They will be conducted in accordance with the Council procedure rules.

## **Responsibility for functions**

5. The council will maintain the responsibility for functions tables in the 'Decision Making' section of this constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Cabinet.

# Council procedure rules

## Annual meeting of Council

### TIMING AND BUSINESS

1. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.
2. The annual meeting will:
  - (a) elect a person to preside if the chairman or vice-chairman of Council is not present;
  - (b) elect the chairman of Council;
  - (c) elect the vice-chairman of Council;
  - (d) approve the minutes of the last meeting;
  - (e) receive any declarations of interest from councillors;
  - (f) receive any announcements from the chairman and/or head of paid service;
  - (g) appoint councillors to committees;
  - (h) elect a leader in every fourth year;
  - (i) agree any amendments to the constitution; and
  - (j) consider any business set out in the notice convening the meeting.

### SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

3. At the annual meeting, Council will:
  - (a) decide which committees to establish for the forthcoming year;
  - (b) decide the size and terms of reference for those committees;
  - (c) allocate seats to political groups in accordance with the political balance regulations and appoint councillors to those committees;
  - (d) appoint chairmen and vice-chairmen for the forthcoming year of those committees appointed under (a) above; and
  - (e) appoint to joint committees and outside bodies which are not the responsibility of the Cabinet.

## Ordinary Council meetings

4. Ordinary Council meetings will take place in accordance with an agreed programme. The chairman of Council may cancel and agree to vary the start time and date of meetings in exceptional circumstances. Ordinary meetings will:
  - (a) elect a person to preside if the chairman and vice-chairman are not present;
  - (b) approve the minutes of the last meeting;
  - (c) receive any declarations of interest from councillors;
  - (d) receive any announcements from the chairman, leader and/or the head of paid service;
  - (e) receive questions from, and provide answers to, the public;
  - (f) receive petitions, under the council's petition scheme;

- (g) deal with any business from the last Council meeting;
- (h) consider recommendations from the Cabinet and the council's committees and receive questions and answers on any of those matters;
- (i) consider officer reports;
- (j) receive the report of the leader;
- (k) receive questions on notice from councillors;
- (l) consider motions;
- (m) agree any amendments to the constitution; and
- (n) consider any other business specified in the agenda.

## **Extraordinary (special) Council meetings**

### CALLING EXTRAORDINARY MEETINGS

5. Those listed below may request the head of legal and democratic services to call extraordinary meetings in addition to ordinary meetings:
  - (a) the Council by resolution;
  - (b) the chairman of the Council;
  - (c) the monitoring officer;
  - (d) the section 151 officer; or
  - (e) any five members of the council if they have submitted a written request to the chairman of the Council and he/she has refused or failed to call a meeting within seven days of the presentation of the request.

### BUSINESS

6. An extraordinary meeting will only consider business required by law and the business for which the extraordinary meeting has been called. There shall be no consideration of the previous minutes of Council. Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting. No petitions or motions will be accepted at an extraordinary meeting.

## **Time and place of meetings**

7. The time and place of meetings will be notified in the agenda for each meeting. The calendar of meetings is published on the council website.

## **Notice of, and agenda for, meetings**

8. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish the agenda on the council's website and send a summons signed by him/her in hard copy or electronically, to every councillor. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where not all of the reports are available with the summons they will be posted on the council's website as soon as they become available and e-mailed or posted to councillors.



## **Chairman of meeting**

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

## **Quorum**

10. A quarter of the whole number of councillors must be present for a legally valid Council meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **Duration of meeting**

12. No meeting shall exceed two and a half hours in duration unless the Council, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next ordinary meeting.

## **Public participation**

13. A period of 15 minutes will be set aside for members of the public to ask questions, make addresses on items on the agenda or present petitions.

## **QUESTIONS**

14. At the beginning of each ordinary Council meeting, members of the public (who are not councillors or officers) may ask questions of the chairman of Council, members of the Cabinet or chairmen of the Planning, General Licensing, Licensing Acts, Audit and Governance or Scrutiny Committees. No question shall exceed three minutes.

## **ORDER OF QUESTIONS**

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

## **NOTICE OF QUESTIONS**

16. A question may only be asked if notice has been given by delivering it in writing or by email to [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) no later than 5.00pm on the last working day before the day of the meeting. Each question must give

the name and address of the questioner and must name the councillor to whom it is to be put.

#### NUMBER OF QUESTIONS

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

#### SCOPE OF QUESTIONS

18. The head of legal and democratic services, in consultation with the chairman, may reject a question if it:

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

19. Even if questions are received in advance of an agenda despatch they will not be included on the agenda for the meeting. Copies of all questions will be circulated to all councillors and will be made available to the public attending the meeting. Details of all questions and answers given at the meeting will be recorded in the minutes of the meeting.

#### ASKING THE QUESTION AT THE MEETING

20. The chairman will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may ask the chairman to put the question on their behalf.

#### SUPPLEMENTARY QUESTION

21. There is no provision for members of the public to ask a supplementary question.

#### WRITTEN ANSWERS

22. Any question that cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the councillor to whom it was to be put or because the councillor answering the question requires further information, will be dealt with by a written answer.

23. At the discretion of the chairman, in the absence of the councillor to whom a question is put, the question may be put to the leader of the council.

#### REFERENCE OF QUESTION TO THE CABINET OR A COMMITTEE

24. Unless the chairman decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Cabinet or the relevant committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

## **Representation on an item of business**

25. Members of the public may address Council on an item on the agenda for a period of up to three minutes.

### **NOTICE OF REQUEST TO ADDRESS THE COUNCIL**

26. An address may only be made if notice has been given by delivering it in writing or by email to the head of legal and democratic services by 5.00pm on the last working day before the day of the meeting. A person who has registered to speak at a meeting may appoint a representative to speak on his/her behalf, provided that written notice is given to the head of legal and democratic services or his/her representative prior to it commencing.

### **EXCLUSIONS**

27. Nothing in this section permits an officer or a councillor to address the Council, if they would otherwise be excluded from taking part due to any interest they may have in a matter under consideration. Addresses may not be made on items containing exempt or confidential information, or on enforcement or prosecution or other legal matters, or matters relating to individual officers. A person or organisation will not normally be permitted to address a meeting on the same issue on more than one occasion in any period of six months.

### **ADDRESSING THE MEETING**

28. The chairman may require a spokesperson to be appointed where there is more than one request to address a meeting on the same issue. Councillors may ask questions of any points raised by public speakers, subject to the chairman of the meeting being satisfied that the questions are relevant.

## **Petitions**

29. All petitions shall be dealt with in accordance with the council's published petition scheme.
30. At all ordinary Council meetings members of the public can present petitions and speak on the matter for a period not exceeding three minutes.
31. If the petition has sufficient signatures for a Council debate it will be considered at the next scheduled ordinary Council meeting. The chairman will refer other petitions to the appropriate Cabinet member or committee chairman to respond on behalf of the council.

## **Questions by councillors**

### **ON RECOMMENDATIONS OF THE CABINET OR COMMITTEES**

32. A councillor may ask the leader, relevant Cabinet member or the chairman of a committee any question without notice on a recommendation of the Cabinet or a committee when that item is under consideration by the Council.

## QUESTIONS ON NOTICE AT FULL COUNCIL

33. Subject to rule 34, a councillor may ask:

- (a) the chairman;
- (b) a member of the Cabinet;
- (c) the chairman of any committee or sub-committee; or
- (d) a question on any matter in relation to which the council has powers or duties or which affects the district.

## NOTICE OF QUESTIONS

34. A councillor may only ask a question under rule 33 if:

- (a) they have given at least seven clear working days' notice in writing of the question to the head of legal and democratic services; or
- (b) the question relates to urgent matters, they have the consent of the chairman and the content of the question is given to the head of legal and democratic services by noon on the day of the meeting.

35. The chief executive may decline a question submitted by a councillor if he/she considers that, due to the level of detail or repetitive nature of the question responding to it will have an adverse effect on service delivery. The reason for such a decision will be reported to Council which may overrule the decision.

## RESPONSE

36. An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the council or other published work, a reference to that publication; or
- (c) when the reply cannot be given orally, a written answer which will be circulated to the questioner within five working days and circulated to all other councillors.

## SUPPLEMENTARY QUESTION

37. A councillor who raised the original question may ask one supplementary question on the subject of the original question. A response will be given either orally, or in writing within five working days. A copy of any written reply will be circulated to all councillors.

## Motions on notice

### NOTICE

38. Except for motions which can be moved without notice under rule 41, written notice of every motion, must be delivered to the head of legal and democratic services not later than seven clear working days before the date of the meeting.

## MOTION SET OUT IN AGENDA

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

## SCOPE

40. Motions must be about matters for which the council has a responsibility or which affect the district. The head of legal and democratic services will not accept any motion which, if approved, would be unlawful, defamatory, or which, if published, would bring the council into disrepute.

## Motions without notice

41. The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or councillor arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to vote immediately on the issue being discussed;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the access to information procedure rules;
- (p) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
- (q) to give the consent of the council where its consent is required by this constitution.

## Rules of debate

### NO SPEECHES UNTIL MOTION SECONDED

42. Councillors may not speak on a motion until it has been moved and seconded.

### SECONDER'S SPEECH

43. A councillor who seconds a motion or amendment, may reserve their speech until later in the debate.

## CONTENT AND LENGTH OF SPEECHES

44. Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the chairman. At the budget meeting the Cabinet member for finance and group leaders are entitled to ten minutes on the budget setting item.

## WHEN A MEMBER MAY SPEAK AGAIN

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

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; and
- (g) at the chairman's discretion.

## AMENDMENTS TO MOTIONS

46. An amendment to a motion must be relevant to the motion and:

- (a) refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) leave out words;
- (c) leave out words and add others; or
- (d) add words.

as long as the effect of (b) to (d) is not to negate the motion.

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

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

49. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments can be moved.

## ALTERATION OF MOTION

50. A councillor, or councillors, may alter a motion of which he/she/they has/have given notice with the consent of the meeting, signified without discussion.

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

## WITHDRAWAL OF MOTION

52. A councillor may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder, signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused.

## RIGHT OF REPLY

53. The mover of a motion has a right to reply at the end of the debate on his/her motion, immediately before the vote is taken.

54. If an amendment is moved, the mover of the amendment, followed by the mover of the original motion, who may not otherwise speak on it, have the right of reply at the close of the debate on the amendment.

## MOTIONS WHICH MAY BE MOVED DURING DEBATE

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to vote immediately on an item;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
- (h) to exclude the public and press for confidential or exempt business;
- (i) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
- (j) to refer the subject of debate back to the Cabinet or a committee.

## CLOSURE MOTIONS

56. A councillor, who has not previously spoken on the matter under consideration, may move, without comment, the following motions at the end of a speech of another councillor:

- (a) to proceed to the next business;
- (b) to vote immediately on the issue being discussed;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

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

58. If a motion to vote immediately on an issue is seconded and the chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to

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

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

### **Point of order**

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

### **Personal explanation**

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

### **Previous decisions and motions**

#### **MOTION TO RESCIND A PREVIOUS DECISION**

62. A motion or amendment to rescind a decision made at a meeting of Council within the past six months may not be moved.

#### **MOTION SIMILAR TO ONE PREVIOUSLY REJECTED**

63. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months may not be moved.

### **Voting**

#### **MAJORITY**

64. Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is put.

#### **CHAIRMAN'S CASTING VOTE**

65. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.



## SHOW OF HANDS

66. Unless a recorded vote is requested under rule 67, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

## RECORDED VOTE

67. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

## RECORDED VOTE FOR ANY BUDGET OR COUNCIL TAX DECISION

68. Any vote on a motion, including any vote on any amendment, that is taken at a meeting of Council relating to the approval of the council's budget or the setting of council tax must be a recorded vote showing the names for and against the motion, or amendment, as well as those abstaining from voting.

## RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## VOTING ON APPOINTMENTS

70. If more than two people are nominated for any position and one person fails to achieve a clear majority of votes, then the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **Minutes**

### SIGNING THE MINUTES

71. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

### NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

72. Where the next meeting for the purpose of signing the minutes is an extraordinary meeting then the next ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

## **Record of attendance**

73. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of the public**

74. The public and press may only be excluded from attending a Council meeting for the consideration of confidential or exempt business or under rules 80 and 81 (disturbance by the public).

## **Councillors' conduct**

### **SITTING TO SPEAK**

75. When a councillor speaks at Council they may remain seated and must address the meeting through the chairman. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIRMAN SPEAKING**

76. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

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

### **COUNCILLOR TO LEAVE THE MEETING**

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

### **GENERAL DISTURBANCE**

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

## **Disturbance by the public**

### **REMOVAL OF A MEMBER OF THE PUBLIC**

80. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### **CLEARANCE OF PART OF THE MEETING ROOM**

81. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Suspension and amendment of Council procedure rules**

### **SUSPENSION**

82. All, or any, of these Council procedure rules except rule 68, 69 and 72 may be suspended by motion on notice, or without notice if at least half of all councillors are present. Suspension can only be for the duration of the meeting.

### **AMENDMENT**

83. Any motion to change any of the Council procedure rules will, if proposed and seconded, be referred without discussion to the Joint Constitution Review Group for discussion and a report to a future meeting of Council.

# Cabinet arrangements and procedure rules

This part of the constitution explains the council's executive arrangements and sets out the Cabinet procedure rules.

## Cabinet's role

1. The Cabinet carries out all of the council's functions which are not the responsibility of any other part of the council, whether by law or under this constitution.

## Membership

2. Cabinet is made up of the leader, together with up to nine councillors appointed to the Cabinet by the leader (one of whom will be appointed by the leader to act as deputy leader). The leader will allocate areas of responsibility (portfolios) to them.
3. The leader is a councillor elected to the position by the Council and normally holds office for a period of four years starting on the day of his/her election unless:
  - (a) he/she resigns from the office;
  - (b) he/she is no longer a councillor; or
  - (c) he/she is removed from office by resolution of the Council.
4. Only councillors may be appointed to the Cabinet. There are no substitutes for Cabinet members. Cabinet members cannot be appointed to a Scrutiny Committee, Planning Committee or Audit and Governance Committee.
5. The leader appoints other Cabinet members who hold office until:
  - (a) they resign from office;
  - (b) they are no longer councillors; or
  - (c) they are removed from office, either individually or collectively, by the leader.
6. The leader appoints a Cabinet member to be the deputy leader who carries out the functions of the leader when the leader is absent. The deputy leader holds office until the end of the term of office of the leader unless:
  - (a) he/she resigns from the office;
  - (b) he/she is no longer a councillor;
  - (c) he/she is no longer a member of the Cabinet; or
  - (d) he/she is removed from office by the leader.

## Who can take Cabinet (executive) decisions?

7. The leader decides arrangements for the discharge of executive functions. These are set out in the scheme of delegation of the leader part 2 of this constitution. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the arrangements or the leader may provide for executive functions to be discharged by:
  - the Cabinet as a whole;
  - a committee of the Cabinet;
  - a member of the Cabinet;
  - an officer of the council;
  - an Area Committee;
  - joint arrangements; and
  - another local authority.

## Delegation by the Cabinet

8. At the annual meeting of the Council, the leader will present to the Council a scheme of delegation of executive functions for inclusion in the council's scheme of delegation in part 2 of this constitution. The document presented by the leader will contain details of the nature and extent of any delegation to officers and individual Cabinet members with details of any limitation on that delegation, and the title of the officer to whom the delegation is made in relation to Cabinet functions for the coming year. The leader may at any time amend this scheme of delegation of executive functions but must report the revised scheme to the Council.
9. Where the Cabinet is responsible for a function, it may delegate further to a committee of the Cabinet, an Area Committee, a joint committee or an officer.
10. Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
11. If the exercise of a Cabinet function has been delegated to an individual Cabinet member or a committee of the Cabinet, and a disclosable pecuniary interest or conflict of interest arises, then the function will be exercised by the Cabinet, the leader or an alternative Cabinet member authorised by the leader.

## Executive decisions

### KEY DECISIONS

12. Where executive key decisions are taken by Cabinet, by a committee of Cabinet, by a Cabinet member, by an officer, or by a joint committee, notice of these key decisions shall be sent to all councillors to commence the scrutiny call-in procedure, except where call-in has been waived by the Scrutiny Committee chairman or in his/her absence, the chairman of the Council. A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers which is likely to:

- (a) incur expenditure, make savings or to receive income of more than £75,000;
- (b) award a revenue or capital grant of over £25,000; or
- (c) agree an action that, in the view of the chief executive, a strategic director or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.

## PROCEDURE BEFORE TAKING KEY DECISIONS

13. Subject to the general exception rule and the special urgency rule below, a key decision may not be taken unless:
- (a) a notice (a Cabinet work programme) has been published containing the matter in question;
  - (b) at least 28 clear calendar days have elapsed since publication of the Cabinet work programme containing the matter in question;
  - (c) where the decision is to be taken at a meeting of the Cabinet, further notice of the meeting has been given; and
  - (d) when all, or any part, of the meeting will take place in private, that notice includes:
    - i. the reasons for all, or any part of, that meeting taking place in private;
    - ii. any representations received about why the meeting should take place in public; and
    - iii. the council's response to those representations.

## CABINET WORK PROGRAMME

14. The Cabinet work programme will be prepared by the head of legal and democratic services on behalf of the leader. The Cabinet work programme will contain matters which the leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a Cabinet member, a committee of the Cabinet, officers, or under joint arrangements in the course of the discharge of a Cabinet function. Officers may also voluntarily include in the Cabinet work programme other items that do not fit the key decision definition. Exempt information need not be included in a Cabinet work programme and confidential information cannot be included. The Cabinet work programme will describe the following particulars insofar as the information is available or might reasonably be obtained:
- (a) the decision to be made and, if that decision is to be made without the public present, the reason for confidentiality;
  - (b) where the decision taker is an individual, his/her name and title, and where the decision taker is a body, its name and details of its membership;
  - (c) the date on which, or the period within which, the decision will be taken;
  - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (e) how a person can make representations to the Cabinet or decision maker about a forthcoming decision; and
  - (f) a list of the documents used by the decision maker in making the decision.

## GENERAL EXCEPTION RULE

15. If a matter which is likely to be a key decision has not been published in the Cabinet work programme for 28 clear days, then subject to the special urgency rule below, the decision may still be taken if:
- (a) the decision must be taken by such a date and it is impracticable to defer the decision until it has been published in the Cabinet work programme for 28 clear days;
  - (b) the proper officer has informed the Scrutiny Committee chairman by notice in writing;
  - (c) the proper officer has set out reasons why compliance with paragraph 16 above is impracticable;
  - (d) the proper officer has made copies of that notice available to the public at the offices of the council and on its website; and
  - (e) at least five clear working days have elapsed since the proper officer complied with (b) to (d).

## SPECIAL URGENCY RULE

16. If the general exception rule cannot be followed due to urgency, then a key decision can be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the Scrutiny Committee chairman that the decision cannot be reasonably deferred. If the Scrutiny Committee chairman is unavailable, or unable to act, then the agreement of the chairman of the Council, or in his/her absence the vice-chairman of the Council will suffice. The proper officer will make available at the council's offices, and on its website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred. The leader will submit a report to Council on the key decisions taken under the special urgency rule.

## REPORT TO COUNCIL

17. If the Scrutiny Committee thinks that a key decision has been taken which was not included in the Cabinet work programme or did not follow either the general exception procedure or the special urgency procedure, the committee can require Cabinet to submit a report to the next meeting of the Council. The proper officer may require such a report on behalf of the committee when so requested by the chairman or any five councillors. The report will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

## RECORD OF DECISIONS

18. The proper officer will produce a record of every decision taken as soon as reasonably practicable after any meeting of the Cabinet or any of its committees, or a Cabinet member has made a key decision, or an officer has made a key decision. This record will be made available for inspection at the council's offices and on its website, as soon as reasonably practicable and shall include:

- (a) details of the decision;
- (b) the date it was made;
- (c) reasons for the decision;
- (d) details of any alternative options considered and the reasons they were rejected; and
- (e) any conflict of interest by the decision-maker and any dispensations granted.

## **Time and place of meetings**

19. Cabinet will meet at times agreed by the leader. The time and place of meetings will be notified in the agenda for each meeting.

## **Notice of, and agenda for, meetings**

20. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for Cabinet's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Cabinet agendas will also be available for six years after a meeting.

## **Chairman of meeting**

21. If the leader is present, he/she will chair Cabinet meetings. In the leader's absence, the deputy leader will chair the meeting. In the absence of both the leader and the deputy leader, a person shall be elected from among those Cabinet members present to chair the meeting.

## **Quorum**

22. At least three Cabinet members must be present for a legally valid meeting. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
23. If there is no quorum at the published start time of the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.



## Duration of meeting

24. No meeting shall exceed two and a half hours in duration unless the Cabinet, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next ordinary meeting.

## Public participation

25. Cabinet meetings are open to the public, except where confidential or exempt information is being discussed.
26. Councillors who are not members of the Cabinet may attend Cabinet meetings, including where confidential or exempt information is being discussed.

## SPEAKING AT CABINET MEETINGS

27. The public may address Cabinet meetings by asking a question, making a statement or presenting a petition. Every question must relate to an agenda item for that meeting. Statements or petitions must relate to the council's powers or duties or to a matter that affects the district.
28. Any person may address Cabinet for up to three minutes, providing they have first registered to do so by 5.00pm on the working day before the Cabinet meeting by contacting democratic services:  
[democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk).
29. The public address session at the start of each Cabinet meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced. The chairman has discretion to change this.
30. Questions or statements will be considered by Cabinet in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
31. Councillors who are not members of the Cabinet may request to speak at Cabinet meetings in the following circumstances:
  - when their motion has been referred to Cabinet for consideration;
  - where a matter under consideration affects their ward; and
  - on any other matter within Cabinet's remit.
32. The chairman of the Cabinet meeting may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the previous six months, or if it requires the disclosure of confidential or exempt information.

33. Cabinet may ask questions of any points raised by public speakers, subject to the chairman of the meeting being satisfied that the questions are relevant.
34. Where an answer cannot be given to a question at a meeting, a written answer will be provided.

### **What business?**

35. Cabinet agendas may include the following business:
  - (a) adoption of the minutes of the last meeting;
  - (b) declarations of interest;
  - (c) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the scrutiny committees' procedure rules (in part 2 of this constitution) or the budget and policy framework procedure rules set out in part 3 of this constitution;
  - (d) consideration of reports from the Scrutiny Committee; and
  - (e) matters set out in the agenda for the meeting.

### **Who can put items on the Cabinet agenda?**

36. Any Cabinet member or any other councillor may ask the leader to place an item on a Cabinet agenda for consideration. Subject to the leader's agreement, the head of legal and democratic services will include the item on the agenda for the next Cabinet meeting, provided that it is received at least seven clear working days before the day of the meeting.
37. The head of legal and democratic services will make sure that an item is placed on the agenda for the next available Cabinet meeting where Scrutiny Committee or the Council have so requested.
38. Any five councillors may, by notice given in writing to the head of legal and democratic services, require an item to be included in the Cabinet agenda for any function which Cabinet is responsible. On receipt of such notice, the head of legal and democratic services will include the item on the next Cabinet agenda, provided that it is received at least seven clear working days before the day of the meeting.
39. The head of paid service, monitoring officer and/or the chief finance officer may include an item for consideration on the next Cabinet agenda and may require the head of legal and democratic services to call such a meeting in pursuance of their statutory duties.

### **Consultation and reports**

40. All reports to the Cabinet will contain officer recommendations. Where the relevant Cabinet member requires it, a report will also contain an alternative recommendation from the Cabinet member.

41. The relevant Cabinet member will introduce reports at Cabinet meetings and will propose recommendations, as appropriate.
42. All reports to the Cabinet from any Cabinet member or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders, and the relevant Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **Voting**

43. Only Cabinet members may vote at Cabinet meetings. Matters will be decided by a simple majority vote by a show of hands. If there are equal numbers of votes for and against a motion, the chairman will have the second or casting vote. If the chairman does not exercise his/her casting vote, the motion will be deemed to be lost.
44. Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **Minutes**

45. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

46. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of the public**

47. The public and press may only be excluded from attending a Cabinet meeting for the consideration of confidential or exempt business or under rules 53 and 54 (disturbance by public).

## **Councillors' conduct**

48. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

## **CHAIRMAN SPEAKING**

49. When the chairman speaks during a debate, any councillor speaking at the time must stop.

#### COUNCILLOR NOT TO BE HEARD FURTHER

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

#### COUNCILLOR TO LEAVE THE MEETING

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

#### GENERAL DISTURBANCE

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

#### **Disturbance by the public**

#### REMOVAL OF A MEMBER OF THE PUBLIC

53. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

#### CLEARANCE OF PART OF THE MEETING ROOM

54. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

# Scrutiny Committees procedure rules

## Purpose of the Scrutiny Committees

1. The Councils have each appointed a Scrutiny Committee, and one Joint Scrutiny Committee. There are also partnership Scrutiny Committees (see paragraphs 83 and 84) which are governed by their own arrangements and procedure rules.
2. The committees are responsible for discharging the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. They are responsible for discharging any other functions conferred by legislation on an Overview and Scrutiny Committee of a district council.
3. The district Scrutiny Committees will be known as the South Scrutiny Committee and the Vale Scrutiny Committee (or together as the “district Scrutiny Committees”) and the Joint Scrutiny Committee of both South and Vale councils will be known as the Joint Scrutiny Committee.
4. The committees cannot consider anything that relates to a decision on an individual case, or a decision made under planning, licensing, or other regulatory legislation.

## Role and function

5. The Scrutiny Committee will have the following roles and functions:
  - (a) within their terms of reference, consider anything that affects the district and its people;
  - (b) consider any matter relating to the provision of council services or for which the council is responsible;
  - (c) consider items referred to the committee by the Cabinet or Council;
  - (d) consider councillor calls for action that relate to a matter that affects a single ward and are not, in the opinion of the monitoring officer, vexatious, persistent, unreasonable or discriminatory and do not relate to a planning, licensing or regulatory function;
  - (e) hold other public service providers to account;
  - (f) help the Council and Cabinet to develop and review policy;
  - (g) assist the Cabinet in the development of policies on matters for which the council has responsibility;
  - (h) review council policies and aspects of the budget and policy framework and make recommendations to the Cabinet or the Council for changes and improvements; and
  - (i) consider the budget for the next financial year prior to the Council approving this.

## HOLDING THE CABINET TO ACCOUNT

6. The Scrutiny Committees will hold the Cabinet to account as follows:
  - (a) review and scrutinise decisions made or actions taken by the Cabinet, Council, committees and officers;
  - (b) exercise the right to call in decisions, for reconsideration, made but not yet implemented by the Cabinet;
  - (c) review the council's progress in achieving its policy aims and performance targets;
  - (d) review the performance of individual services *or* Cabinet member portfolios;
  - (e) consider and make recommendations on mechanisms to encourage and enhance community participation in the development of policy options;
  - (f) consider and make recommendations on any matters in connection with the discharge of functions which are the responsibility of the Council or Cabinet, or which affect the council's area or its community;
  - (g) review functions or development of policies and strategies;
  - (h) make proposals periodically to the council for ways to improve the discharge of policy development; and
  - (i) review and scrutinise the decisions made by, and performance of, the Cabinet and/or committees and, in relation to key decisions taken under delegated powers, council officers, both in relation to individual decisions and over time.
7. The Scrutiny Committee may do this by:
  - (a) conducting research, and community and other consultation in the analysis of policy issues;
  - (b) making recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process or from task groups;
  - (c) writing and sending reports and recommendations to the Cabinet or Council and making recommendations to officers for their consideration; and
  - (d) reporting annually to Council on its workings and making recommendations for future work programmes and amended working methods if appropriate.
8. The Scrutiny Committee can be given a budget by Council. It is responsible for any budget it is given and can use it as it wishes to support the work of the committee.
9. The Scrutiny Committee may establish task groups to consider particular matters within its work programme. Task groups meet in private.
10. The number of task groups running shall be proportionate to the resources available to the council.
11. The task group will ensure that the relevant Cabinet member and other persons affected by the subject matter under consideration have the opportunity to give evidence to the group.

## **Committee powers**

12. The Scrutiny Committee can:

- (a) make reports and recommendations to the county council and any other partner authorities and require the county council and partner authorities to provide information that the committee reasonably requires;
- (b) monitor the Cabinet work programme and call for reports on items that are listed on this;
- (c) review and scrutinise the performance of other public bodies in the area, invite reports from them, and request them to address the Scrutiny Committee about their activities and performance;
- (d) require senior officers and Cabinet members to attend Scrutiny Committee meetings and answer questions; and
- (e) question officers and Cabinet members generally about service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

## **Membership**

13. The Scrutiny Committee will comprise nine councillors, each appointed annually by Council and will be politically balanced. (not Cabinet members).).

14. All councillors except members of the Cabinet may be members of a decision in which he/she has been directly involved.

15. The chairman and vice-chairman of the Scrutiny Committee shall be appointed by Council annually or by the committee if a vacancy arises.

## **Time and place of meetings**

16. The time and place of meetings will be notified in the agenda for each meeting.

17. Each Scrutiny Committee shall meet at least once per year and meetings will take place in accordance with an agreed programme. An additional meeting may be called as required. An additional meeting may be called by the chairman of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), or by the head of legal and democratic services, the head of paid service, the monitoring officer or the chief finance officer. The person or persons calling the meeting must state the business that is to be conducted.

## **Notice of, and agenda for, meetings**

18. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify

the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Scrutiny Committee agendas will also be available for six years after a meeting.

## **Chairman of meetings**

19. The chairman (and vice-chairman in his/her absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee.

## **Substitutes**

20. The Council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Scrutiny Committee or Joint Scrutiny Committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee or joint committee. A political group need not appoint to all available substitute places.

21. Substitute members will have all the powers and duties of any ordinary member of the committee or joint committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.

22. Substitute members may attend meetings:

- to take the place of the ordinary member for whom they are the substitute;
- where the ordinary member will be absent for the whole of the meeting; and
- after notifying the head of legal and democratic services before the start of the meeting.

23. Where possible, absent members must be substituted by a preferred substitute who has been named but, where this is not possible, any member of the same political group may act as substitute.

## **Quorum**

24. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

25. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.



## **Co-optees**

26. A Scrutiny Committee or Joint Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

## **Joint Scrutiny Committee**

27. The Joint Scrutiny Committee will:

- (a) consider and make recommendations to the relevant Cabinet members on the assessment of the performance of contractors delivering joint contracts;
- (b) consider any matter within the terms of reference of the Scrutiny Committee affecting both councils' areas or their inhabitants;
- (c) act as the crime and disorder committee of the council in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009; and
- (d) review and scrutinise the performance of the councils in relation to its policy objectives, performance targets and/or particular service areas.

## **MEMBERSHIP**

28. The joint scrutiny will comprise five councillors from South Oxfordshire District Council and five councillors from Vale of White Horse District Council (not Cabinet members) and will be politically balanced.
29. The councils will appoint preferred substitutes with an equivalent political balance (not Cabinet members) as set out in rule 20-23 above.

## **TIME AND PLACE OF MEETINGS**

30. The time and place of meetings will be notified in the agenda for each meeting.
31. The Joint Scrutiny Committee will meet at least twice per year, with additional meetings when required.

## **QUORUM**

32. Four councillors, two from each council, must be present for a legally valid committee meeting to be held. All other matters relating to the quorum are the same as those of the district Scrutiny Committees.

## **CHAIRMAN OF MEETINGS**

33. The committee will be co-chaired (one from each council) and the person presiding at any meeting will alternate between the two councils. These will be the chairman of the two district Scrutiny Committees. These shall be non-Cabinet members and there will be no vice-chairman.
34. The establishment of a Joint Scrutiny Committee will not impact upon the ability of each council's Scrutiny Committee to review specific issues covered by the above terms of reference – for example a specific issue relating to a contract.

## **Duration of meeting**

35. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Work programme**

36. Each Scrutiny Committee will be responsible for setting its own work programme.
37. Any member of a Scrutiny Committee, or any sub-committee shall be entitled to give notice to the head of legal and democratic services that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for a meeting of the committee or sub-committee. On receipt of a valid request, the proper officer will ensure that it is included on the next available agenda.
38. The Cabinet or the full Council may refer any matter to the Scrutiny Committee for consideration and report.

## **Policy review and development**

39. The role of the Scrutiny Committees in relation to the development of the council's budget and policy framework is set out in detail in the budget and policy framework procedure rules.
40. The Scrutiny Committees may jointly or severally hold inquiries and investigate the available options for future direction in policy development and, subject to budgetary provision, may appoint advisers and assessors to assist it in this process. The committee/s may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it/they reasonably consider/s necessary to inform its/their deliberations. The committee/s may ask witnesses to attend and address them on any matter under consideration.

## **Rights of Scrutiny Committee members to documents**

41. In addition to their rights as councillors, members of the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the protocol on councillor and officer relations in part 3 of this constitution.
42. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee depending on the particular matter under consideration.

## **Councillors and officers giving account**

43. Where any councillor or officer is required to attend a Scrutiny Committee, the chairman of that committee will inform the head of legal and democratic services. The Head of legal and democratic services will inform the councillor or officer that he/she is required to attend; the nature of the item on which he/she is required to attend to give account; and whether any papers are required to be produced for the committee.
44. Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then the Scrutiny Committee will, in consultation with the councillor or officer, arrange an alternative date for attendance.

## **Attendance by others**

45. A Scrutiny Committee, or the chairman of the committee may invite people, other than those people referred to in rules 45 and 46, to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and may invite such people to attend.

## **Procedure at Scrutiny Committee meetings (Vale, South or Joint)**

46. The Scrutiny Committee, and any sub-committees shall consider the following business:
  - (a) minutes of the last meeting;
  - (b) declarations of interest (including whipping declarations);
  - (c) consideration of any matter referred to the committee as a result of call-in arrangements;
  - (d) responses of the Cabinet to reports of the Scrutiny Committee; and
  - (e) the business otherwise set out on the agenda for the meeting.

## **Public participation**

47. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
48. The public may address scrutiny meetings by asking a question, making a statement or presenting a petition. Every question must relate to an agenda item for that meeting. Statements or petitions must relate to the council's powers or duties or to a matter that affects the district.
49. The public address session at the start of each Scrutiny Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.

50. Questions or statements will be considered by Scrutiny Committee in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
51. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.
52. Councillors who are not members of the Scrutiny Committee may request to speak at meetings in the following circumstances:
- where their motion has been referred to Scrutiny Committee for consideration;
  - where a matter under consideration affects their ward; or
  - on any other matter within Scrutiny Committee's remit.
53. The chairman of the Scrutiny Committee meeting may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the previous six months, or if it requires the disclosure of confidential or exempt information.
54. Scrutiny Committee may ask questions of clarification of the speaker.
55. Where an answer cannot be given to a question at a meeting, a written answer will be provided.

## **Voting**

### MAJORITY

56. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

57. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

58. Unless a recorded vote is requested under rule 59, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

59. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken

down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

#### RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

#### Minutes

61. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

#### Record of attendance

62. All councillors present must sign the attendance list provided at the meeting.

#### Exclusion of public

63. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 70 and 71 (disturbance by the public).

#### Councillors' conduct

64. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

#### CHAIRMAN SPEAKING

65. When the chairman speaks during a debate, any councillor speaking at the time must stop.

#### COUNCILLOR NOT TO BE HEARD FURTHER

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

#### COUNCILLOR TO LEAVE THE MEETING

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

## GENERAL DISTURBANCE

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

## **Disturbance by the public**

### REMOVAL OF A MEMBER OF THE PUBLIC

69. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF MEETING ROOM

70. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by councillors at meetings**

71. Any councillor may attend a meeting of the committee. With the consent of the chairman he/she may speak, but not vote, on any item on the agenda for the meeting.

## **Call-in**

72. When a key decision is made by the Cabinet, an individual Cabinet member, a committee of the Cabinet or an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. The chairman of the district Scrutiny Committee will be sent electronically copies of all such decisions within the same timescale, by the person responsible for publishing the decision.
73. During the five working day period following publication of a notice, the head of legal and democratic services shall call-in a decision for scrutiny by the Scrutiny Committee if so requested by the chairman of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), and shall then notify the decision-taker of the call-in. Where a valid request for call-in is made, a meeting of the committee shall be convened by the head of legal and democratic services. The meeting will be held within 15 working days of receipt of the call-in and the decision shall not be implemented until the Scrutiny Committee has considered it. Alternatively, the chairman of the Scrutiny Committee may agree to refer the matter to the Joint Scrutiny Committee for consideration.
74. Having considered the decision, the Scrutiny Committee may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.

75. Where a matter is referred back to the decision maker, they shall reconsider the matter and then either take the final decision as already proposed or take the final decision incorporating amendments.
76. If, following the call-in, the Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting.
77. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interests.
78. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman of the Scrutiny Committee, the consent of the vice-chairman or the chairman of the Council and, in the absence of both, the consent of the head of paid service, or his/her nominee, shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

### **Call-in of decisions outside the budget or policy framework**

79. Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
80. The monitoring officer's and/or chief finance officer's report shall be submitted to the Cabinet and be made available to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
81. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, a the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may:

- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework; or
- (b) amend the council's financial regulations or policy concerned to encompass the decision or proposal and agree to the decision with immediate effect; or
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

## **Responsibility for health scrutiny functions**

83. The responsibility for health scrutiny functions are as follows:

<b>Committee</b>	<b>Functions</b>
Oxfordshire Joint Health Overview and Scrutiny Committee*	All functions within the committee's terms of reference.

\*A statutory committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.

## **Five Councils Partnership Scrutiny Committee**

84. A joint committee scrutinising the corporate services contracts across the five councils' partnership.



# **Joint Audit and Governance Committee procedure rules**

## **Purpose of the Joint Audit and Governance Committee**

1. The councils have appointed a Joint Audit and Governance Committee, responsible for managing risk and maintaining an effective control environment. It considers reports on financial and non-financial performance.

## **Role and function**

2. The Joint Audit and Governance Committee will have the following roles and functions in relation to matters applicable to both South Oxfordshire and Vale of White Horse District Councils:
  - (a) to consider and determine all aspects of the accounts of the authorities including the approval of the statement of accounts;
  - (b) to receive the external auditor's annual governance report (or equivalent) and review responses to it;
  - (c) to consider corporate governance matters (including but not limited to comments and complaints, Ombudsman investigations and risk management issues) and review responses to them;
  - (d) to agree a governance framework and a local code of governance for inclusion in the constitution;
  - (e) to approve the annual governance statement;
  - (f) to receive external and internal audit reports and review responses to them;
  - (g) to ensure the effective scrutiny of the treasury management strategy, policies and performance.
  - (h) to agree human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new council policies on pensions (e.g. discretionary payments policy);
  - (i) the overview of the councils' whistleblowing policy;
  - (j) having an overview of the standards of conduct framework for councillors, any co-opted members and parish councillors; and
  - (k) to determine any other matters delegated to this committee by both councils.

## **Audit and governance sub-committees**

3. Sub-committees for South and Vale will have the following roles and functions:
  - (a) The exercise of (a) to (k) above insofar as they relate specifically to either council.
  - (b) To deal with code of conduct complaints about councillors.
  - (c) To grant dispensations to councillors under section 33 of the Localism Act 2011.

- (d) To agree up to two consecutive three-month periods of non-attendance at meetings by councillors in the absence of agreement by group leaders.

The sub-committees will not discuss matters which go to the joint committee.

Each sub-committee will comprise all the members of the joint committee from the relevant council. Each council's substitutes on the joint committee may act as substitutes on the sub-committee.

## **Membership**

- 4. The Joint Audit and Governance Committee will comprise:
  - (a) four councillors from South Oxfordshire District Council (not Cabinet members);
  - (b) four councillors from Vale of White Horse District Council (not Cabinet members);
  - (c) a political balance in accordance with the provisions of the Local Government and Housing Act 1989. (Politically balanced by council, not necessarily across both councils); and
  - (d) substitutes from the political groups (not Cabinet members).

## **Time and place of meetings**

- 5. The time and place of meetings will be notified in the agenda for each meeting. Joint Audit and Governance Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

- 6. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Joint Audit and Governance Committee agendas will also be available for six years after a meeting.

## **Chairman of meetings**

- 7. The committee will be co-chaired (one from each council) and the person presiding at any meeting will alternate between the two councils. These shall be non-Cabinet members and there will be no vice chair, appointed at Annual Council each year or by the committee if a vacancy arises. There will be no vice chair.

## **Substitutes**

8. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the joint audit and governance committee or sub-committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee or sub-committee. A political group need not appoint to all available substitute places.
9. Substitute members will have all the powers and duties of any ordinary member of the committee or sub-committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
10. Substitute members may attend meetings:
  - to take the place of the ordinary member for whom they are the substitute;
  - where the ordinary member will be absent for the whole of the meeting; and
  - after notifying the head of legal and democratic services before the start of the meeting.
11. Where possible, absent members must be substituted by a preferred substitute who has been named but, where this is not possible, any member of the same political group may act as substitute..

## **Quorum**

12. Four councillors, two from each council, must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
13. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meetings**

14. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## Meeting procedure

15. The committee shall consider the following business:

- (a) to receive any apologies and notifications of substitutes;
- (b) declarations of interests;
- (c) minutes of the previous meeting; and
- (d) the business otherwise set out on the agenda for the meeting.

## Public participation

16. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
17. The public may address a Joint Audit and Governance Committee meeting by asking a question, making a statement or presenting a petition. Every question, statement and petition must relate to an agenda item for that meeting.
18. The public address session at the start of each Joint Audit and Governance Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
19. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
20. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## Voting

### MAJORITY

21. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is as put.

### CHAIRMAN'S CASTING VOTE

22. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

## SHOW OF HANDS

23. Unless a recorded vote is requested under rule 24, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

## RECORDED VOTE

24. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

## RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## Minutes

26. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## Record of attendance

27. All councillors present must sign the attendance list provided at the meeting.

## Exclusion of public

28. The public and press may only be excluded from attending a Joint Audit and Governance Committee meeting for the consideration of confidential or exempt business or under rules 34 and 35 (disturbance by public.)

## Councillors' conduct

29. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

## CHAIRMAN SPEAKING

30. When the chairman speaks during a debate, any councillor speaking at the time must stop.

## COUNCILLOR NOT TO BE HEARD FURTHER

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

## COUNCILLOR TO LEAVE THE MEETING

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

## GENERAL DISTURBANCE

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

## **Disturbance by the public**

### REMOVAL OF A MEMBER OF THE PUBLIC

34. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF THE MEETING ROOM

35. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by other Councillors at meetings**

36. A member who is not otherwise entitled to attend and speak at a committee or sub-committee shall be entitled to do so (but not to vote) at a meeting of a committee or sub-committee in any of the following circumstances:

- a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic services before the start of the meeting; or
- b) with the agreement of the chairman, or the person presiding at the meeting of the committee or sub-committee, provided that prior notice is given to the head of legal and democratic services before the start of the meeting.

## **Code of conduct complaints panels**

37. Each audit and governance sub-committee:

- (a) may appoint panels to determine matters in relation to code of conduct complaints referred by the monitoring officer.
- (b) may appoint panels of three eligible members of the sub-committee or their appointed substitutes to make decisions on code of conduct complaints except where the chairman (or vice-chairman) of the sub-committee agrees

- that the whole sub-committee should be convened when a complaint merits consideration by the full sub-committee; and
- (c) agree that wherever possible, a panel comprising the chairman or vice-chairman of the sub-committee plus two other members of the sub-committee will consider complaints, but that this should not affect the principle that any three members or their substitutes of the sub-committee will constitute a properly appointed panel; and
  - (d) authorises the head of legal and democratic services to appoint panels to consider code of conduct complaints having regard to members' availability and eligibility to take part.

38. Any panel will be known as a complaints panel.

# **Planning Committee procedure rules**

## **Purpose of the Planning Committee**

1. The key purpose of planning is to manage development in the public interest.
2. The committee will apply national and local policies to determine planning applications as set out in the head of planning scheme of delegation in section 2 of this constitution.

## **Membership**

3. The Planning Committee will comprise 11 councillors appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance.
4. Any non-Cabinet councillor may be a member of the Planning Committee. However, a councillor may not participate in decisions on applications in their wards, other than as a speaker.
5. The chairman and vice-chairman of the Planning Committee shall be appointed by Council annually or elected by the committee as a vacancy arises.

## **Time and place of meetings**

6. The time and place of meetings will be notified in the agenda for each meeting. Planning committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

## **Notice of and agenda for meetings**

7. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish the agenda on the council's website and send a summons signed by him/her in hard copy or electronically, to every member of the planning committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where not all of the reports are available with the summons they will be posted on the council's website as soon as they become available and e-mailed or posted to councillors.

## **Chairman of meetings**

8. The chairman (and vice-chairman in their absence), appointed by Annual Council each year or by the planning committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee.



## **Substitutes**

9. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Planning Committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
10. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
11. Substitute members may attend meetings:
  - to take the place of the ordinary member for whom they are the substitute;
  - where the ordinary member will be absent for the whole of the meeting; and
  - after notifying the head of legal and democratic services before the start of the meeting.
12. Where possible, absent members must be substituted by a preferred substitute who has been named; where that is not possible, any member of the same political group may act as a substitute. A councillor may only substitute if they have received up to date training.

## **Quorum**

13. A quarter of the number of members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meeting**

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## Meeting procedure

16. The order of business is as follows:
  - (a) to receive any apologies and notifications of substitutes;
  - (b) declarations of disclosable pecuniary interests and other interests;
  - (c) minutes of the previous meeting;
  - (d) notification of any urgent items;
  - (e) notification of applications deferred or withdrawn; and
  - (f) applications will be presented and subsequently debated.
  
17. Planning item process:
  - (a) Officers will present each planning application.
  - (b) Registered speakers will have their allocated time to speak.
  - (c) Committee members may ask questions of clarification of each speaker following their speech.
  - (d) Committee members may ask questions of the presenting officer.
  
18. Motions – the chairman will ask for the following:
  - (a) A member to move a motion. Motions can be to support, go against or defer the officer's recommendation as stated in their report.
  - (b) A seconder for the motion; the committee member may reserve their speech until later in the debate.
  - (c) If a seconder cannot be found, an alternative motion will be requested.
  - (d) If no member puts forward a motion, the chairman (or vice-chairman) will put the officer's recommendation forward to commence the debate.
  - (e) A debate will ensue.
  - (f) If refusing or deferring an application, members will need to have material planning reasons based on national and local policies.
  
19. Voting as follows:
  - (a) The chairman will put the motion to the vote.
  - (b) Unless a recorded vote is requested under rule 20 (c), the chairman will take the vote by show of hands.
  - (c) If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.
  - (d) If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.
  - (e) The motion will be carried with a majority vote in favour.
  - (f) If the motion is not carried, the chairman will request another motion be put forward, or will put forward a motion him/herself.

## Public participation

20. An application to speak must be made in writing or by email to the [South Oxfordshire](#) or [Vale of White Horse](#) planning departments by midday on the last working day before the day of the meeting. Persons who have registered to

speaking may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to the [South Oxfordshire](#) or [Vale of White Horse](#) planning departments before the meeting commences.

21. All questions, statements and petitions must relate to an item on the agenda, and parties wishing to speak must already have registered an interest in the application.
22. Following the introduction of each application, the following procedure will apply:
  - (a) The following groups of speaker may then address the meeting for up to five minutes (South Oxfordshire) or three minutes (Vale of White Horse) each:
    - i. Parish/town council/parish meeting representatives who have been consulted.
    - ii. Objectors.
    - iii. Applicants and/or supporters.
    - iv. Ward members in whose area the application falls.

For the avoidance of doubt groups of speakers will be entitled to five minutes (South Oxfordshire) or three minutes (Vale of White Horse) per application site regardless of the number of individual applications. A county councillor or MP wishing to address the committee may do so by sharing the appropriate speaking period designated for objectors or supporters.

- (b) Where more than one person has registered to speak in any of the above groups of speaker, the speaking period will be shared. In those circumstances, speakers are encouraged to appoint a spokesperson; if that is not possible, speakers will be heard in the order in which they have registered until the time period has elapsed.
- (c) On conclusion of each address, members of the Planning Committee may question the speaker solely to clarify any matter that they have not understood in the address. The ruling of the chairman of the meeting as to what is an acceptable question shall be final.
- (d) A person who has registered to speak may circulate written or photographic material in support of their representations, provided they are given to the head of legal and democratic services or his/her representative no later than 4pm on the last working day before the meeting:  
[democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
- (e) The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## Minutes

23. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

24. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of the public**

25. The public and press may only be excluded from attending a Planning Committee meeting for the consideration of confidential or exempt business or under rules 29 and 30 (disturbance by the public).

## **Councillors' conduct**

### CHAIRMAN SPEAKING

26. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### COUNCILLOR NOT TO BE HEARD FURTHER

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

### COUNCILLOR TO LEAVE THE MEETING

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

## **Disturbance by public**

### REMOVAL OF MEMBER OF THE PUBLIC

29. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF MEETING ROOM

30. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by other district councillors at planning committee**

31. A member who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:

- a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic services before the start of the meeting; or
- b) with the agreement of the chairman, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic services before the start of the meeting.

# **General Licensing Committee procedure rules**

## **Purpose of the General Licensing Committee**

1. The General Licensing Committee is responsible for determining issues relating to licensing and registration.
2. The General Licensing Committee is responsible for the licensing policy for hackney carriage and private hire vehicles. A three-member sub-committee considers individual cases under the council's taxi licensing policy.
3. It is also responsible for policies on contaminated land, air quality, health and safety, street trading and street naming. A three-member sub-committee considers individual cases.

## **Membership**

4. The General Licensing Committee will comprise 12 councillors appointed annually by Council and will be politically balanced. There shall be no substitute members.
5. A councillor who is a member of both the General Licensing Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period.

## **Time and place of meetings**

6. The time and place of meetings will be notified in the agenda for each meeting. General Licensing Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

7. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. General Licensing Committee agendas will also be available for six years after a meeting.

## **Chairman of meetings**

8. The chairman (and vice-chairman in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. No member of the cabinet shall act as chairman or vice-chairman of the committee.

## **Quorum**

9. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
10. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meetings**

11. No meeting shall exceed two and a half hours in duration unless the Council, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Meeting procedure**

12. The committee shall consider the following business:
  - (a) To receive any apologies and notifications of substitutes;
  - (b) Declarations of pecuniary interests and other interests;
  - (c) Minutes of the previous meeting; and
  - (d) The business otherwise set out on the agenda for the meeting.

## **Public participation**

13. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.

14. The public may address a General Licensing Committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting.
15. The public address session at the start of each General Licensing Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
16. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
17. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Voting**

### MAJORITY

18. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

19. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

20. Unless a recorded vote is requested under rule 21, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

21. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

### RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## **Minutes**

23. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.



## **Record of attendance**

24. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of public**

25. The public and press may only be excluded from attending a General Licensing Committee meeting for the consideration of confidential or exempt business or under rules 31 and 32 (disturbance by public.)

## **Councillors' conduct**

26. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIRMAN SPEAKING**

27. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

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

### **COUNCILLOR TO LEAVE THE MEETING**

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

### **GENERAL DISTURBANCE**

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

## **Disturbance by the public**

### **REMOVAL OF A MEMBER OF THE PUBLIC**

31. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

## CLEARANCE OF PART OF THE MEETING ROOM

32. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## Attendance by other Councillors at meetings

33. A member who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:
- a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic services before the start of the meeting; or
  - b) with the agreement of the chairman, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic services before the start of the meeting.

## Taxi and other General Licensing Panels

34. The General Licensing Committee will appoint sub-committees known as taxi licensing panels and other licensing panels to consider matters delegated to these under the council's general licensing policies. These panels will comprise any three members of the General Licensing Committee. The head of legal and democratic services has delegated authority to convene such panels.
35. Wherever possible, applications should be heard by a panel comprising the chairman or vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel.

# **Licensing Acts Committee procedure rules**

## **Purpose of the Licensing Acts Committee**

1. The Licensing Acts Committee is responsible for all matters under the Licensing Act 2003 and the Gambling Act 2005 but it will make recommendations to Council on the licensing policy statement and the gambling statement of principles. The 2003 Act concerns the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment. The 2005 Act covers the control and licensing of gambling (namely gaming, betting and lotteries).
2. It appoints sub-committees called licensing panels to deal with particular cases.

## **Membership**

3. The Licensing Acts Committee will comprise 12 councillors appointed annually by Council and will be politically balanced. There shall be no substitute members.
4. A councillor shall not participate in the determination of any licensing application in their ward.
5. A councillor who is a member of both the Licensing Acts Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period.

## **Time and place of meetings**

6. The time and place of meetings will be notified in the agenda for each meeting. General Licensing Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

7. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. General

Licensing Acts Committee agendas will also be available for six years after a meeting.

## **Chairman of meetings**

8. The chairman (and vice-chairman in their absence) will preside over meetings and lead and guide the work of the committee. No member of the Cabinet shall act as chairman or vice-chairman of the committee.

## **Quorum**

9. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
10. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meetings**

11. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Meeting procedure**

12. The committee shall consider the following business:
  - (a) to receive any apologies and notifications of substitutes;
  - (b) declarations of pecuniary interests and other interests;
  - (c) minutes of the previous meeting; and
  - (d) the business otherwise set out on the agenda for the meeting.

## **Public participation**

13. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.

14. The public may address a Licensing Acts Committee meeting by asking a question, making a statement or presenting a petition. Every question must relate to an agenda item for that meeting.
15. The public address session at the start of each Licensing Acts Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
16. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
17. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Voting**

### MAJORITY

18. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

19. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

20. Unless a recorded vote is requested under rule 21, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

21. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

### RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## **Minutes**

23. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

24. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of public**

25. The public and press may only be excluded from attending a Licensing Acts Committee meeting for the consideration of confidential or exempt business or under rules 31 and 32 (disturbance by public.)

## **Councillors' conduct**

26. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIRMAN SPEAKING**

27. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

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

### **COUNCILLOR TO LEAVE THE MEETING**

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

### **GENERAL DISTURBANCE**

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

## **Disturbance by the public**

### **REMOVAL OF A MEMBER OF THE PUBLIC**

31. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

## CLEARANCE OF PART OF THE MEETING ROOM

32. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## Attendance by other Councillors at meetings

33. A member who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:

- a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic services before the start of the meeting; or
- b) with the agreement of the chairman, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic services before the start of the meeting.

## Licensing Acts Panels

34. The Licensing Acts Committee will appoint sub-committees known as Licensing Acts panels to consider matters delegated to these under the Licensing Act 2003 and Gambling Act 2005. These panels will comprise any three members of the Licensing Acts Committee. The head of legal and democratic services has delegated authority to convene such panels.

35. Wherever possible, applications should be heard by a panel comprising the chairman or vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel.

# Panel procedure rules

1. These procedure rules apply to any panel exercising quasi-judicial functions.

## Purpose of the panel

2. To hear the matter put before the panel and to make a determination.

## Membership

3. As appointed by Council or a committee or sub-committee.
4. Panel members are required to have attended training in the last 12 months before serving on a panel, to ensure they remain informed on legislative and procedural changes.
5. No member of the Cabinet shall act as chairman or vice-chairman of the committee.

## General principles

6. Meetings of the panel are quasi-judicial formal hearings.

## Notification of hearings

7. The council will notify all interested parties of the date, time and venue of the hearing in accordance with relevant legislation. The time and place of meetings will be notified in the agenda for each meeting

## Attendance at hearings

8. Interested parties must supply details of who will be attending the hearing to address the panel to the council by midday on the day before the date of the hearing.

## Report

9. A report will be prepared by the relevant head of service of the council. A copy of the report will be sent to all interested parties in advance of the meeting when the agenda is finalised.

## Documentary evidence

10. Documentary evidence (including any electronic evidence) upon which any party intends to rely shall be submitted to the head of legal and democratic services by 5pm on the day before the date of the hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally five copies of the document must be supplied.



10. The panel may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
11. Taking into account its power to grant an adjournment (including possible delay and cost caused) and any representations or objections made by the parties, the panel shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

## **Record of attendance**

12. All councillors present must sign the attendance list provided at the meeting.

## **General procedure**

13. The councillors who sit on the panel may meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the democratic services officer and legal adviser.
14. At any hearing, the appellant/applicant/licence holder and any representors shall attend in person wherever possible.
15. All appellants/applicants/licence holders and any representors may appoint a legal or other representative at their own expense or by a representative.
16. The procedure at the hearing will be similar to that found in a court. The panel will be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
17. At the start of each hearing, the chairman will introduce the panel members, democratic services officer, legal adviser and council officers.
18. The chairman will then outline the procedure to be followed for the remainder of the hearing.

*Each panel's full procedure rules are available on the council website -[South Oxfordshire](#) and [Vale of White Horse](#).*

## **Exclusion of public**

19. The public and press may only be excluded from attending a panel meeting for the consideration of confidential or exempt business or under rules 21 and 22 (disturbance by public).

## **Councillors' conduct**

### GENERAL DISTURBANCE

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

## **Disturbance by the public**

### REMOVAL OF A MEMBER OF THE PUBLIC

21. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF THE MEETING ROOM

22. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Decision**

23. When the evidence has been heard, the chairman will announce that the hearing is adjourned to enable the panel to deliberate in private.

24. The panel will then ask everyone except the democratic services officer and legal advisor to leave the room to make their decision. These officers will provide advice on legal and procedural points.

25. Where the panel wish to seek clarification on any other point, they will re-convene the hearing.

## **Notification of decision**

26. When the panel has made its decision, its chairman will invite all parties back into the meeting room. The chairman will announce the decision together with the reasons for it. This decision will then be communicated in writing to the appellant/applicant/licence holder as soon as possible after the hearing.

## **Statutory provisions**

27. Where a relevant statutory provision has been enacted that is in conflict with any of the arrangements in this section, the statutory provision will always take precedence.

# **Community Grants Panel procedure rules – South only**

## **Purpose of the Community Grants Panel**

1. The role of the panel is to make recommendations on grant applications, in line with the council's relevant grants policies, to the Cabinet member for grants.
2. The panel will also make recommendations on improvements to the scheme to the Cabinet member for grants.

## **Decisions of the community grants panel**

3. Additional guidance to the panel will be provided by relevant officers and the Cabinet member for grants.

## **Membership**

4. The Council will appoint up to nine councillors to a community grants panel at the annual Council meeting each year and the panel will be politically balanced, where possible.
5. Any councillor may serve on the community grants panel, except for the leader, deputy leader, chairman and vice-chairman of Council and the Cabinet member for grants.

## **Time and place of meetings**

6. The time and place of meetings will be notified in the agenda for each meeting. Community grants panels will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

7. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Community Grants Panel agendas will also be available for six years after a meeting.

## Chairing meetings

8. The chairman (or vice-chairman in their absence) will preside over meetings and lead and guide the work of the panel. They will be appointed each year by annual Council, or by the Panel if a vacancy arises.

## Substitutes

9. The Council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the grants panel. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the panel. A political group need not appoint to all available substitute places.
10. Substitute members will have all the powers, duties of any ordinary member of panel but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
11. Substitute members may attend meetings:
  - to take the place of the ordinary member for whom they are the substitute;
  - where the ordinary member will be absent for the whole of the meeting; and
  - after notifying the head of legal and democratic services before the start of the meeting.
12. Where possible, absent members must be substituted by a preferred substitute who has been named, but where that is not possible, any member of the same political group may act as a substitutes. A councillor may only substitute if they have received up to date training relevant for the panel.

## Quorum

13. A quarter of the members of the panel must be present for a legally valid panel meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meeting**

15. No meeting shall exceed two periods of two and a half hours in duration unless the panel, prior to the expiry of each period, votes for the meeting to continue each period for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting. The two periods of the meeting will be separated by a break of at least 30 minutes.

## **Public participation**

16. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
17. The public may address a Community Grants Panel meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting.
18. The public may address the Panel for up to five minutes per application. Where more than one speaker is registered per application the time will be shared.
19. The panel may ask questions of clarification of the speaker.
20. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Cabinet member for grants**

21. The Cabinet member for grants will:
  - a. consider the recommendations of the panel and decide what grants to award; and
  - b. approve any amendments to the policy and scoring criteria, to make sure it continues to meet the needs of the community (via an individual Cabinet member decision).
22. If the Cabinet member does not agree with any of the panel's recommendations, those applications will go to the next full Cabinet meeting for decision.

## **Quorum**

23. A quarter of the members of the committee must be present for a viable Panel meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a

time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered by the Cabinet member for grants.

24. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered by the Cabinet member for grants.

## **Voting**

25. As the Panel is advisory to the Cabinet member for grants, it will produce a recommendation based on consensus, rather than voting.

## **Minutes**

26. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

27. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of public**

28. The public and press may only be excluded from attending a Community Grants Panel meeting for the consideration of confidential or exempt business or under rules 34 and 35 (disturbance by public).

## **Councillors' conduct**

29. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIRMAN SPEAKING**

30. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

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

## COUNCILLOR TO LEAVE THE MEETING

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

## GENERAL DISTURBANCE

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

## **Disturbance by the public**

### REMOVAL OF A MEMBER OF THE PUBLIC

34. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF THE MEETING ROOM

35. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by other Councillors at meetings**

36. A member who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:
  - a. during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic services before the start of the meeting; or
  - b. with the agreement of the chairman, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic services before the start of the meeting.

# **Area Committees procedure rules – Vale only**

## **Purpose of the Area Committees**

1. The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
2. The council will consult with relevant parish and town councils and the chairmen of relevant parish meetings, when considering whether and how to establish Area Committees.
3. The chairmen and vice-chairmen of the Area Committees will be appointed at the annual council meeting, or by the relevant committee if a vacancy arises.

## **Membership, terms of reference and delegation**

### MEMBERSHIP

4. Area Committees shall cover the whole of the district with the membership of each being composed of all district councillors for the relevant area.
5. No political balance is necessary.

### TERMS OF REFERENCE

6. The Area Committees shall have the following roles and functions:
  - a) To promote the economic, social and environmental well-being of the area and incur expenditure for that aim within limits agreed by the Cabinet;
  - b) To receive reports and take decisions on matters delegated to the Area Committee by the Cabinet in line with council policies or by the Council;
  - c) To submit reports on matters of concern to the Council, Cabinet and Scrutiny Committees;
  - d) Question members of the Cabinet as required in relation to particular decisions, initiatives or projects relevant to the Area Committee; and
  - e) To determine any other matters delegated to Area Committees by the Council.

## **Area Committees – access to information**

7. Area Committees will comply with the access to information rules as set out in the protocol on councillor and officer relations in part 2 of this constitution.



## **Cabinet members on Area Committees**

8. A member of the Cabinet may serve on an Area Committee, if eligible to do so as a district councillor.

## **Time and place of meetings**

9. The time and place of meetings will be notified in the agenda for each meeting. Area Committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

10. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Area Committee agendas will also be available for six years after a meeting.

## **Chairing meetings**

11. The chairman (and vice-chairman in their absence), will preside over meetings and lead and guide the work of the committees.

## **Substitutes**

12. There are no substitutes at Area Committees.

## **Quorum**

13. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meeting**

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Voting**

### MAJORITY

16. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

17. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

18. Unless a recorded vote is requested under rule 19, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

19. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

### RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## **Public participation**

21. The public may address Area Committee meetings by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting, or must relate to a matter that specifically, and wholly or mainly, affects the area. (District wide matters, which are not on the agenda, should be addressed to an appropriate committee with a remit to cover the entire district).
22. Any person may address the Area Committee for up to three minutes, providing they have first registered to do so by 5.00pm on the working day before the committee meeting by contacting democratic services:  
[democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk).

23. The public address session, on matters which are not about grant applications, will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speakers' time will be reduced.
24. Questions or statements will be considered by the Area Committee in the order that they are registered with democratic services. Speakers relating to items not on the agenda will be heard at the beginning of the meeting. Speakers relating to items on the agenda, will be heard with that item. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
25. The chairman of the Area Committee meeting may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the past six months, (except in the case of grant applications) or if it requires the disclosure of confidential or exempt information.
26. Area Committees may ask questions of clarification of the speaker.
27. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Minutes**

28. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

29. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of public**

30. The public and press may only be excluded from attending an Area Committee meeting for the consideration of confidential or exempt business or under rules 36 and 37 (disturbance by public.)

## **Councillors' conduct**

31. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

## **CHAIRMAN SPEAKING**

32. When the chairman speaks during a debate, any councillor speaking at the time must stop.

#### COUNCILLOR NOT TO BE HEARD FURTHER

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

#### COUNCILLOR TO LEAVE THE MEETING

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

#### GENERAL DISTURBANCE

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

#### **Disturbance by the public**

#### REMOVAL OF A MEMBER OF THE PUBLIC

36. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

#### CLEARANCE OF PART OF THE MEETING ROOM

37. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

# **Community Governance and Electoral Issues Committee procedure rules**

## **Purpose of the committee**

1. The committee has specific responsibility to undertake community governance reviews and to determine other electoral issues as set out below:
  - To make recommendations to Council on reviews of electoral arrangements for the district undertaken by the Local Government Boundary Commission for England.
  - To undertake parish community governance reviews.
  - To respond to consultations from the Boundary Commission on reviews of parliamentary constituencies and county divisions within the district
  - To undertake reviews of polling districts and polling places.
  - To consider reports from the Returning Officer on district and parish council elections.

## **Membership**

2. The committee will comprise six councillors appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance. No member of the Cabinet shall act as chairman or vice-chairman of the committee.

## **Time and place of meetings**

3. The time and place of meetings will be notified in the agenda for each meeting. The committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

## **Notice of, and agenda for, meetings**

4. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Community Governance and Electoral Issues Committee agendas will also be available for six years after a meeting.

## Chairing meetings

5. The chairman (or vice-chairman in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee.

## Substitutes

6. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
7. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
8. Substitute members may attend meetings:
  - to take the place of the ordinary member for whom they are the substitute;
  - where the ordinary member will be absent for the whole of the meeting; and
  - after notifying the head of legal and democratic services before the start of the meeting.
9. Where possible, absent members must be substituted by a preferred substitute who has been named, but where this is not possible any member of the same political group may act as a substitutes.

## Quorum

10. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## **Duration of meetings**

12. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Meeting procedure**

13. The committee shall consider the following business:
  - (a) To receive any apologies and notifications of substitutes;
  - (b) Declarations of disclosable pecuniary interests and other interests;
  - (c) Minutes of the previous meeting; and
  - (d) The business otherwise set out on the agenda for the meeting.

## **Voting**

### MAJORITY

14. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

15. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

16. Unless a recorded vote is requested under rule 29, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

17. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

### RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

## **Public participation**

19. The public may address a committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting.
20. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
21. The public address session will be limited to fifteen minutes. No address shall exceed three minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
22. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together. There is no provision to ask a supplementary question.
23. If an answer cannot be given to a question at a meeting, a written answer will be provided.
24. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## **Minutes**

25. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

26. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of the public**

27. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rule 33 and 34 (disturbance by the public).

## **Councillors' conduct**

28. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.



## CHAIRMAN SPEAKING

29. When the chairman speaks during a debate, any councillor speaking at the time must stop.

## COUNCILLOR NOT TO BE HEARD FURTHER

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

## COUNCILLOR TO LEAVE THE MEETING

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

## GENERAL DISTURBANCE

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

## **Disturbance by the public**

### REMOVAL OF MEMBER OF THE PUBLIC

33. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF MEETING ROOM

34. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by councillors at meetings**

35. Any councillor may attend a meeting of the committee. With the consent of the chairman he/she may speak, but not vote, on any item on the agenda for the meeting.

# Joint Staff Committee procedure rules

## Purpose of the committee

1. South Oxfordshire and Vale of White Horse district councils have appointed this committee to undertake those non-executive functions relating to the employment of officers in the shared senior management team.
2. The terms of reference for this committee are:
  - to establish the framework and procedure for recruitment of senior staff
  - to determine the terms and conditions of service to apply to senior posts
  - to act as the appointment panel for the short-listing and interviewing for all senior posts and in the case of head of paid service or strategic directors to make recommendations on appointments to each council
  - to consider any proposed redundancy dismissals of the head of paid service, strategic director, monitoring officer or chief finance officer, and to make recommendations on redundancy dismissals to each council
  - to consider any proposed redundancy dismissals of heads of service other than monitoring officer and chief finance officer, and to make recommendations to the head of paid service
  - to determine any proposed efficiency retirement of the head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee
  - to consider any proposed efficiency retirements of strategic directors or heads of service and to make recommendations to the head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee.

**The terms “senior staff” and “senior posts” refer to the head of paid service, strategic directors, and heads of service.**

## Membership

3. The committee will comprise:
  - South Oxfordshire District Council – Leader and two councillors (politically balanced)
  - Vale of White Horse District Council – Leader and two councillors (politically balanced)
4. The leader may be substituted by another Cabinet member. Other members of the committee may be substituted by any member of that council’s political group (Cabinet or non-Cabinet).

## **Time and place of meetings**

5. The time and place of meetings will be notified in the agenda for each meeting.

## **Notice of and agenda for meetings**

6. Meetings of this committee will be arranged as required.
7. The councils will make copies of the agenda open to the public available for inspection at the designated office and on the website at least five clear working days before the meeting.

## **Chairman of meetings**

8. The chairman (or vice-chairman in their absence), appointed by the committee each year, will preside over meetings and lead and guide the work of the committee.

## **Quorum**

9. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
10. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman.

## **Duration of meetings**

11. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

## **Meeting procedure**

12. The committee shall consider the following business:
  - (a) To receive any apologies and notifications of substitutes;
  - (b) Declarations of disclosable pecuniary interests and other interests;
  - (c) Minutes of the previous meeting; and
  - (d) The business otherwise set out on the agenda for the meeting.

## Public participation

13. An application to speak must be made in writing or by email to democratic services [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk) by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
14. The public may address a committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting.
15. The public address session will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
16. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
17. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

## Voting

### MAJORITY

18. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

### CHAIRMAN'S CASTING VOTE

19. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

### SHOW OF HANDS

20. Unless a recorded vote is requested under rule 21, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### RECORDED VOTE

21. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

## **Minutes**

22. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **Record of attendance**

23. All councillors present must sign the attendance list provided at the meeting.

## **Exclusion of public**

24. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 30 and 31 (disturbance by the public).

## **Councillors' conduct**

25. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **CHAIRMAN SPEAKING**

26. When the chairman speaks during a debate, any councillor speaking at the time must stop.

### **COUNCILLOR NOT TO BE HEARD FURTHER**

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

### **COUNCILLOR TO LEAVE THE MEETING**

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

### **GENERAL DISTURBANCE**

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

## **Disturbance by the public**

### REMOVAL OF A MEMBER OF THE PUBLIC

30. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

### CLEARANCE OF PART OF THE MEETING ROOM

31. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

## **Attendance by councillors at meetings**

32. Any councillor may attend a meeting of the committee. With the consent of the chairman he/she may speak, but not vote, on any item on the agenda for the meeting.

# Responsibility for functions

## RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision Making Body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	Council	All members	
2. The determination of an appeal against any decision made by or on behalf of the authority.	The appeals panel	All members of each panel	
3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet by way of the Scrutiny Committee	All members	The committee reports will be submitted to the Cabinet
4. Any function relating to contaminated land.	General Licensing Committee	All members of the committee	
5. The discharge of any function relating to the control of pollution or the management of air quality.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
6. The service of an abatement notice in respect of a statutory nuisance.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
7. The passing of a resolution that schedule 2 to the Noise and Statutory Nuisances Act 1993 should apply in the authority's area.	Council	All members	See schedule 1 of the scheme of delegation
8. The inspection of the authority's area to detect any statutory nuisance.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
9. The investigation of any complaint as to the	General Licensing	All members of the	See schedule 1 of the

<b>Function</b>	<b>Decision Making Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
existence of a statutory nuisance.	Committee	committee	scheme of delegation
10. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning committee	All members of the committee	See schedule 1 of the scheme of delegation
11. The approval of the Statement of Accounts	Joint audit and governance committee or sub-committee	All members of the committee	
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	All members	See schedule 1 of the scheme of delegation
13. The appointment, and revocation of appointments, of any individual to any office or body other than the authority.	Cabinet	All members of Cabinet	

## RESPONSIBILITY FOR COUNCIL FUNCTIONS

<b>Committee</b>	<b>Functions</b>	<b>Delegation of Functions</b>
PLANNING	<ol style="list-style-type: none"> <li>1. All functions in relation to town and country planning and development control as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.</li> <li>2. Subject to the costs being met from existing budgets, to take default action and execute works under any of the council's powers as local planning authority.</li> <li>3. All functions in relation to the preservation of trees and the protection of important hedgerows, as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.</li> </ol>	<p>See schedule 1 of the scheme of delegation.</p> <p>See schedule 1 of the scheme of delegation.</p>



Committee	Functions	Delegation of Functions
	4. All functions for which the council is the responsible authority in relation to footpaths and bridleways as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
	5. The determination of complaints under the Anti-Social Behaviour Act 2003 – High Hedges	See schedule 1 of the scheme of delegation

Committee	Functions	Delegation of Functions
GENERAL LICENSING	<ol style="list-style-type: none"> <li>1. All functions for which the council is the responsible authority in relation to licensing and registration as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and any amendments thereto.</li> <li>2. All functions for which the council is the responsible authority in relation to health and safety at work to the extent that those functions are discharged otherwise than in the council's capacity as an employer.</li> <li>3. All functions for which the council is the responsible authority in relation to control of pollution, management of air quality or contaminated land.</li> <li>4. To consider objections to proposed street name changes.</li> <li>5. Under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to: <ul style="list-style-type: none"> <li>• review the policy for sexual entertainment venue licences as necessary and recommend changes to Council</li> <li>• agree changes to the standard guidance and conditions for sexual entertainment venue licences</li> <li>• determine applications for and revoke sexual entertainment venue licences</li> </ul> </li> </ol>	See schedule 1 of the scheme of delegation
LICENSING ACTS	<ol style="list-style-type: none"> <li>1. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Licensing Act 2003.</li> <li>2. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Gambling Act 2005.</li> <li>3. The recommendation to Council of the approval or revision of a statement of licensing policy or gambling statement of principles.</li> </ol>	See schedule 1 of the scheme of delegation
JOINT AUDIT	1. To consider and determine all aspects of	

Committee	Functions	Delegation of Functions
AND GOVERNANCE	<p>the accounts of the authorities including the approval of the statement of accounts.</p> <ol style="list-style-type: none"> <li>2. To receive the external auditor's annual governance report (or equivalent) and review responses to it.</li> <li>3. To consider corporate governance matters (including but not limited to comments and complaints, Ombudsman investigations and risk management issues) and review responses to them.</li> <li>4. To agree a governance framework and a local code of governance for inclusion in the constitution.</li> <li>5. To approve the annual governance statement.</li> <li>6. To receive external and internal audit reports and review responses to them.</li> <li>7. To ensure the effective scrutiny of the treasury management strategy, policies and performance.</li> <li>8. To agree human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new Council policies on pensions (e.g. discretionary payments policy).</li> <li>9. The overview of the councils' whistleblowing policy.</li> <li>10. Having an overview of the standards of conduct framework for councillors, any co-opted members and parish councillors.</li> <li>11. To determine any other matters delegated to this committee by both councils.</li> </ol>	

Committee	Functions	Delegation of Functions
Appeals Panel (NNDR, benefits and Housing)	<ol style="list-style-type: none"> <li>1. The consideration of appeals against the council's decisions in relation to: <ul style="list-style-type: none"> <li>• whether the applicant is a qualifying person and may join the housing register (except where the applicant is prohibited by law)</li> <li>• a decision to suspend or cancel an application, except where this is at the applicant's request, or when a cancellation is because the applicant has accepted an offer of accommodation</li> <li>• the applicant's points award (this includes points for health and social priority)</li> <li>• whether an offer of accommodation is valid and counts as one of the three to which the applicant is entitled.</li> <li>• the award of housing grants.</li> <li>• the implementation of the rent deposit/rent in advance scheme.</li> </ul> </li> <li>2. The consideration of appeals against the council's decisions on all NNDR rate relief matters.</li> <li>3. The consideration of appeals against the council's determinations in respect of housing, council tax and community charge benefit claims.</li> </ol>	

## Responsibility for Cabinet functions

Who is responsible	Functions	Delegation of functions
The leader	All executive functions	See schedule 1 of the scheme of delegation
The leader	All executive functions	See schedule 2 of the scheme of delegation

## Executive joint arrangements

Joint committee	Functions	Delegation of functions
Oxfordshire Growth Board	To oversee the delivery and implementation of the Oxford and Oxfordshire City Deal bid.	

## Responsibility for health scrutiny functions

Committee	Functions
Oxfordshire Joint Health Overview and Scrutiny Committee*	All functions within the committee's terms of reference.

\*A statutory committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.

## Five Councils Partnership

Committee	Functions
Five Councils Partnership Corporate Services Joint Committee	All functions within the committee's terms of reference.
Five Councils Partnership Corporate Services Joint Scrutiny Committee	All functions within the committee's terms of reference.



# **Schedule 1: functions which are the responsibility of the Cabinet, Council and local choice functions – delegation to officers**





# Introduction to the scheme

1. The Local Government Acts 1972 and 2000 provide that a local authority may arrange for the discharge of its functions by an executive/Cabinet, committees and sub-committees and by individual members and officers of the council, or by any other authority.
2. The following scheme of delegation to officers ("the scheme") is made pursuant to the Local Government Acts 1972 and 2000, and was approved by the Council and the leader.
3. The scheme may be amended by the Council at any time with or without any recommendation from the Cabinet or any committee or sub-committee but with the agreement of the leader in the case of executive/Cabinet functions.
4. The scheme shall not prejudice the right of the Council or any committee or sub-committee to delegate any specific matter to an officer or of the Cabinet and the leader to delegate any specific matter to an individual member of the Cabinet or officer when they are considering or determining any item on an agenda.
5. The scheme is split into two schedules as follows:  
  
**Schedule 1** – Functions which are the responsibility of the Cabinet, Council and local choice functions – delegations to officers; and  
  
**Schedule 2** – Functions which are the responsibility of the Cabinet – Leader's scheme of delegation to individual Cabinet members and officers.
6. Schedule 1 sets out the general principles which shall be applied in exercising any delegated authority, general powers of the chief executive, strategic directors and heads of service and then specific powers to each.
7. The scheme applies to the officers listed whether they are employed by this authority or, whether they are employed by another authority and have been placed at the disposal of this authority under an agreement made under Section 113 of Local Government Act 1972.



# Abbreviations

(Listed in alphabetical order - Any reference or abbreviated reference to any statute or other legislation shall be construed as referring to any statutory amendment, modification or re-enactment of the said legislation and in the case of any statute is also deemed to refer to any regulation order or other subordinate legislation made

Act	Abbreviation
Animal Boarding Establishments Act 1964	ABEA 1964,
Animal Boarding Establishments Act 1970	ABEA 1970
Animal Health Act 1981	AHA 1981
Animal Welfare Act 2006	AWA 2006
Anti-Social Behaviour Act 2003	ASBA 2003
Breeding of Dogs Act 1973	BDA 1973
Breeding of Dogs Act 1991	BDA 1991
Building Act 1984	BA 1984
Caravan Sites Act 1968	CSA 1968
Caravan Sites and Control of Development Act 1960	CSCDA 1960
Children and Young Peoples Act 1933	CYPA 1933
Cinemas Act 1985	CA 1985
Civil Contingencies Act 2004	CCA 2004
Clean Air Act 1968	CAA 1968
Clean Air Act 1993	CAA 1993
Clean Neighbourhoods and Environment Act 2005	CNEA 2005
Control of Pollution Act 1974	CPA 1974
Criminal Justice and Public Order Act 1994	CJPOA 1994
Dangerous Wild Animals Act 1976	DWAA 1976
Dogs (Fouling of Land) Act 1996	DA 1996
Employment of Women, Young Persons and Children Act 1920	EWYPCA 1920
Employment Act 1995	EA 1995
Environmental Impact Assessment Regulations 1999	EIAR 1999
Environmental Protection Act 1990	EPA 1990
European Communities Act 1972	ECA 1972

<b>Act</b>	<b>Abbreviation</b>
Factories Act 1961	FA 1961
Flood and Water Management Act 2010	FWMA 2010
Food and Environmental Protection Act 1985	FEPA 1985
Food Safety Act 1990	FSA 1990
Gambling Act 2005	GA 2005
Game Act 1931	GA 1931
General Development Order 1995	GPDO 1995
Goods Vehicles (Licensing of Vehicles) Act 1995	GV(LofV)A 1995
Health Act 2006	HA 2006
Health and Safety at Work Act 1974	HSAWA 1974
Hedgerow Regulations 1997	HR 1997
Highways Act 1980	HA 1980
Home Energy Conservation Act 1995	HECA 1995
Housing Act 1985	HA 1985
Housing Act 1996	HA 1996
Housing Benefit (General) Regulations 1987	HB Regs 1987
Housing Grants, Construction and Regeneration Act 1996	HGCRA 1996
Land Drainage Act 1991	LDA 1991
Licensing Act 2003	LA 2003
Local Government (Contracts) Act 1997	LGA 1997
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A 1976
Local Government (Miscellaneous Provisions) Act 1982	LG(MP)A 1982
Local Government Act 1972	LGA 1972
Local Government Act 1974	LGA 1974
Local Government Act 1988	LGA 1988
Local Government Act 1992	LGA 1992
Local Government Act 2000	LGA 2000
Local Government and Housing Act 1989	LGHA 1989
Local Government Finance Act 1982	LGFA 1982
Local Government Finance Act 1988	LGFA 1988
Local Government Planning and Land Act 1980	LGPLA 1980

<b>Act</b>	<b>Abbreviation</b>
Mobile Homes Act 1983	MBA 1983
National Assistance Act 1948	NAA 1948
Noise Act 1996	NA 1996
Noise and Statutory Nuisance Act 1993	NSNA 1993
Offices, Shops and Railway Premises Act 1963	OSRPA 1963
Open Spaces Act 1906	OSA 1906
Oxfordshire Act 1985	OA 1985
Party Wall etc. Act 1996	PWA 1996
Pet Animals Act 1951	PAA 1951
Planning (Listed Buildings and Conservation Areas) Act 1990	LBA 1990
Planning and Compensation Act 1991	PCA 1991
Pollution Prevention and Control Act 1999	PPCA 1999
Prevention of Damage by Pests Act 1949	PDPA 1949
Private Places of Entertainment Act 1967	PPEA 1967
Protection from Eviction Act 1977	PEA 1977
Public Health (Control of Disease) Act 1984	PH(CD)A 1984
Public Health Act 1875	PHA 1875
Public Health Act 1936	PHA 1936
Public Health Act 1961	PHA 1961
Public Health Acts (Amendments) Acts 1890	PHA(A) A 1890
Public Health Acts (Amendments) Acts 1907	PHA(A) A 1907
Regulation of Investigatory Powers Act 2000	RIPA 2000
Riding Establishments Act 1964	REA 1964
Riding Establishments Act 1970	REA 1970
Refuse Disposal (Amenity) Act 1978	RD(A)A 1978
Representation of the People Act 1983	RPA 1983
Road Safety Act 2006	RSA 2006
Road Traffic Act 1988	RTA1988
Road Traffic Regulation Act 1984	RTRA 1984
Scrap Metal Dealers Act 2013	SMDA 2013
Slaughterhouses Act 1974	SHA 1974

<b>Act</b>	<b>Abbreviation</b>
Slaughter of Poultry Act 1967	SPA 1967
Social Security Administration Act 1992	SSAA 1992
Sunday Trading Act 1994	STA 1994
Theatres Act 1968	TA 1968
Town and Country Planning (Control of Advertisements) Regulations 2007	Advertisement Regulations
Town and Country Planning Act 1990	TCPA 1990
Town Police Clauses Act 1847	TPCA 1847
Water Act 1989	WA 1989
Water Industry Act 1991	WIA 1991
Welfare Reform Act 2007	WRA 2007
Zoo Licensing Act 1981	ZLA 1981

# General principles of the scheme

The powers referred to in Schedule 1, (which for the avoidance of doubt are the powers allocated to the chief executive, directors and heads of service), may be exercised subject to the following:

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
1.0	CONDITIONS OF DELEGATION	
1.1	Officers may <b>manage and control their respective service areas</b> , exercise the powers designated to them and deliver the service for which they are responsible subject to the following general principles: -	
	(a) All <b>decisions taken</b> must be in accordance any statutory requirements, the approved budget, any policies and plans approved by the council, the council's financial procedure rules and contracts procedure rules, any other procedure rules as agreed by the council and the council's code of conduct and adopted protocols.	
	(b) Any decision taken <b>must not contradict any decision</b> of any other person or body with authority to take such decision unless approval to do so has been agreed.	Monitoring officer
	(c) Decisions can be taken where there is <b>inadequate budgetary provision</b> in case of urgency or emergency or cases where the council has a legal duty to act.	Section 151 officer / monitoring officer (Note refer to budget and policy framework rules and access to information regulations/ procedure rules)
	(d) Where, in the opinion of the relevant officer, a decision taken under delegated powers is likely to be <b>contentious</b> or have <b>adverse legal consequences</b> .	Leader of the council and/or the relevant cabinet member before taking the decision / monitoring officer

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
	(e) All decisions must be taken in <b>compliance with the constitution.</b>	
	(f) An <b>officer with line management responsibility</b> for an officer with delegated powers may exercise that power, instead of the officer so designated, and may direct or negate any course of action proposed. In the absence of the strategic director with line management responsibility, any strategic director may exercise that power. In the absence of an alternative strategic director the chief executive may exercise that power.	
	(g) <b>An officer may, instead of exercising a delegated power, refer a matter to a more senior officer, or to the council, cabinet or a committee or sub-committee.</b>	
	(h) References in these general principles to <b>delegated powers include any delegation</b> whether in the scheme of delegation or a specific delegation given by cabinet, council or a committee.	
	(i) Any strategic director <b>may exercise delegated powers to the chief executive</b> in his absence.	
	(j) The chief executive may <b>suspend the authority delegated</b> to any strategic director, and the chief executive and strategic directors may suspend the authority delegated to any head of service or any other officer.	
	(k) <b>All “key” decisions, as defined in the constitution, will be recorded, published and made available for inspection by members of the council and the public, subject to the rules of procedure in relation to exempt or confidential information also set out in the constitution.</b>	



**GENERAL PRINCIPLES OF THE SCHEME**

Ref	Function	Consultation (where applicable)
(l)	Where a <b>decision affects a particular ward.</b>	Ward councillor(s) except where cabinet, council or committee has agreed otherwise
(m)	Where a decision is delegated to an officer in consultation with a specified <b>cabinet member who is absent.</b>	Alternative cabinet member
(n)	A decision delegated to an officer by council, cabinet or a committee can be taken by an <b>officer with line management</b> responsibility for that officer in his/her absence.	
(o)	A decision delegated to an officer in consultation with the chair(man) of a committee may be taken <b>in consultation with the vice-chair(man)</b> if the chair(man) is absent.	
(p)	<b>Where</b> responsibility for functions transfers <b>from one strategic director or head of service to another the strategic director or head of service assuming responsibility for a function may exercise delegated powers relating to that function.</b>	
(q)	Delegations <b>to the chief executive, strategic directors and heads of service apply to any officers appointed to those roles whether they are employed by the authority or have been placed at the disposal of the authority.</b>	
(r)	When exercising any delegated powers, the relevant Officer will also have the <b>power to do anything</b> which is calculated to facilitate, or is conducive, or incidental to the exercise of such delegated powers.	
(s)	A power delegated to an officer under this scheme or any other <b>powers delegated to them may be given to any other person</b> to carry out that power and act on their behalf, albeit the responsibility cannot be delegated.	

# General delegations

Ref	Function	Consultation (where applicable)
DELEGATIONS TO CHIEF EXECUTIVE, STRATEGIC DIRECTORS AND HEADS OF SERVICE		
1.0	FINANCIAL	
1.1	To incur expenditure within approved capital and revenue budgets.	
1.2	To remit or reduce charges normally paid to the council when there are exceptional or special circumstances justifying the remission or discount.	Relevant cabinet member (executive functions) or chairman of the relevant committee or the council (non-executive functions) if the remission or discount is £500 or above
1.3	To determine the fees and charges to be levied for all council services, excluding car parking charges.	Relevant cabinet member and chairman of scrutiny committee
1.4	To settle small compensation payments up to a value of £500, where a claim has been agreed through the council's complaints procedure.	
1.5	To award revenue and capital grants up to a maximum of <b>£5,000</b>	Relevant cabinet member
1.6	To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council.	

Ref	Function	Consultation (where applicable)
2.0	LAND, PROPERTY AND ASSETS	
2.1	To incur expenditure on any item or service, including the <b>acquisition of land or property, vehicles, plant and equipment.</b>	Relevant cabinet member where the proposed expenditure exceeds £50,000 or a leasing arrangement is proposed
2.2	To serve notices to obtain particulars of <b>persons' interests in land.</b>	
2.3	To serve notices under any enactment and take <b>follow up action.</b>	
2.4	To grant <b>permission to carry out works</b> on the council's land.	Relevant cabinet member
2.5	To <b>declare as surplus, and to sell, assets</b> up to a book value of £10,000.	Relevant cabinet member in the case of land and property with a book value in excess of £5,000
3.0	LEGAL	
3.1	To serve notices, make orders, take enforcement action, and respond to consultations under the provisions of the <b>Anti-Social Behaviour Act 2003.</b>	
3.2	Without prejudice to any specific delegation in the scheme to authorise the <b>issue and service of any statutory notice or requisition</b> relating to any matters within their area of responsibility and to take any associated <b>enforcement action and authorise default works.</b>	

Ref	Function	Consultation (where applicable)
3.3	Without prejudice to any specific delegation in the scheme to act as the <b>proper officer for the authentication of any statutory notices, any requisitions, Orders or other documents</b> which are issued and served relating to any matter within their area of responsibility.	
3.4	To approve the <b>copying of documents</b> for the purpose of the copyright, designs and patents legislation.	
3.5	Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any <b>legal proceedings</b> (other than high court proceedings or above) relating to any matters within their area of responsibility.	Head of legal and democratic services
3.6	Subject to any rules of court to authorise members of staff to attend, appear as witnesses and <b>represent the council in any legal proceedings</b> in court, public inquiries, tribunals or any other hearings.	
3.7	To authorise, under Section 223 of the Local Government Act 1972 (as amended) officers to <b>appear on behalf of the council in proceedings before magistrates' courts</b> .	
3.8	Where any officer has delegated powers to authorise legal proceedings that power also includes the power to <b>administer simple cautions</b> (previously known as formal cautions).	
3.9	To deal with <b>lost and uncollected property</b> found on or deposited from land or property within their area of responsibility (S.41 LG(MP)A 1982).	
3.10	Without prejudice to any specific delegation in the scheme to <b>determine any application for permissions, consents or licences or registration</b> within their area of responsibility.	
3.11	Without prejudice to any specific delegation in this scheme, to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any statutory <b>power of inspection and entry</b> onto land or property, powers of inspection (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.	

Ref	Function	Consultation (where applicable)
3.12	To authorise officers to conduct directed <b>surveillance</b> or the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.	
3.13	To release Council held information under the <b>Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.</b>	Head of HR, IT and technical services and head of legal and democratic services on any applications for exemptions
3.14	To <b>sign statements of truth</b> on behalf of the council under the civil procedure rules 1998.	
3.15	To <b>make planning applications</b> including listed building, conservation area and advertisement consents, and footpath diversion or tree preservation orders.	Relevant cabinet member in the case of major projects
3.16	To <b>make applications for any orders and other application</b> such as building control applications.	
3.17	To <b>authorise any employee to admit liability</b> or to negotiate a settlement of any professional negligence liability claim made against that employee.	Head of legal and democratic services
4.0	STAFFING MATTERS	
4.1	To enter into <b>agreements under section 113</b> of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils.	Relevant cabinet member
4.2	To take any action required or authorised under any <b>recruitment and selection</b> policies and procedures.	
4.3	To authorise the appointment of <b>temporary and relief staff and agency staff</b> where essential during periods of absence, sickness or holidays or as a result of resignation or to deal with unexpected peaks in workload.	

Ref	Function	Consultation (where applicable)
4.4	To determine applications to extend an employee's contractual period of <b>sick leave</b> on full or half pay for an additional period of up to three months.	Relevant strategic director
4.5	To determine applications for <b>leave of absence without pay</b> .	
4.6	To <b>agree flexible contracts and working patterns</b> , including job share, home working and term time working.	
4.7	To approve the payment of <b>temporary additions to salary</b> where the additional duties of responsibilities are shared by one or more employees.	Head of HR, IT and technical services
4.8	To authorise <b>ex-gratia payments</b> to employees who suffer accidental loss or damage incurred in the course of their duties.	Section 151 officer and head of HR, IT and technical services if above £500
4.9	To authorise <b>contractual salary progression</b> within career graded posts.	
4.10	To authorise the working and payments to employees for <b>standby duties and for overtime</b> .	
4.11	To approve applications for <b>annual, compassionate or other leave</b> .	
4.12	To determine applications for <b>special leave with full pay</b> .	
4.13	To enter into <b>apprenticeship</b> or similar agreements.	
4.14	To determine applications from officers graded senior officer and above for permission to take up <b>secondary employment</b> .	
4.15	To authorise the <b>reimbursement</b> of employees for essential additional expenditure incurred by them in carrying out their duties.	
4.16	To formally <b>discipline staff</b> in strict accordance with the any disciplinary procedures.	Head of HR, IT and technical services

Ref	Function	Consultation (where applicable)
4.17	To authorise <b>time sheets, mileage and subsistence claims, and other expenses.</b>	
4.18	To authorise the <b>attendance by staff</b> at meetings, training sessions, discussion groups, seminars, exhibitions and conferences.	
4.19	To give approval to staff to attend <b>training courses and day release courses</b> in pursuit of relevant professional or other qualifications.	
4.20	To <b>grant paid leave of absence to staff for personal development</b> or training purposes.	
4.21	To <b>authorise the acceleration of increments</b> to staff within their salary scale until the top of the scale is reached.	Head of HR, IT and technical services
4.22	To <b>approve permanent additions to the establishment</b> , which will come forward as an essential growth bid.	Head of paid service, section 151 officer, leader of council and Cabinet member for finance
5.0	<b>PURCHASES, PLANT, STOCK, EQUIPMENT AND MATERIALS</b>	
5.1	To authorise and incur expenditure of a recurring nature or to <b>purchase stock, plant, equipment and other materials</b> subject to compliance with contracts procedure rules.	
5.2	To <b>hire plant</b> subject to the inclusion of cost of hire within approved estimates.	
5.3	To incur expenditure on the <b>reception and entertainment of persons</b> connected with local government or other public services.	
5.4	To authorise the <b>disposal of surplus stock</b> , plant, equipment and other materials at the best possible prices subject to compliance with contracts procedure rules.	
6.0	<b>CONTRACTUAL AND FINANCIAL MATTERS</b>	

Ref	Function	Consultation (where applicable)
6.1	To take <b>any action authorised</b> by the council's contracts procedure rules and any financial rules and procedures.	
6.2	To monitor and take all necessary action (except legal proceedings) to enforce all the legal provisions contained within any <b>deeds of transfer made between the council and any other organisation</b> and all ancillary provisions contained within any schedules of any deeds relating to any matter within their area of responsibility	Head of legal and democratic services
6.3	To <b>sign on the council's behalf any contract for works, good or services.</b>	
6.4	To <b>approve an additional on-going budget of the lesser of £50,000 or 20% of the contract price</b> if following the tendering of a contract, the new contract sum is greater than the approved budget. This would subsequently come forward as an essential growth bid.	Chief executive, section 151 officer, leader of council and Cabinet member for finance
7.0	MISCELLANEOUS	
7.1	To <b>respond to consultations</b> from the government, neighbouring authorities and other public or private sector bodies having regard to any protocol on responding to consultation documents.	
7.2	To carry out the maintenance and publication of <b>performance indicators</b> and other information relating to performance standards.	
7.3	To undertake any <b>roles and functions</b> allocated under any council policies or procedures.	
7.4	To make <b>minor amendments to strategies/policies</b> after approval by council/cabinet prior to publication.	
7.5	To exercise powers delegated to the council under <b>agency agreements or contracts</b> with other councils.	
7.6	To <b>review and deal with all complaints</b> in accordance with any comments and complaints procedure.	



Ref	Function	Consultation (where applicable)
7.7	To <b>instruct consultants</b> and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council.	
8.0	URGENCY	
8.1	Without prejudice to any specific delegation in the scheme in cases of <b>emergency or urgency only to carry out any action</b> or exercise any statutory power within their area of responsibility on behalf of the council.	



## Chief executive (head of paid service)

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)		
Ref	Function	Consultation (where applicable)
1.0	HUMAN RESOURCES	
1.1	To act as the council's <b>head of the paid service</b> .	
1.2	To determine the <b>council's establishment</b> , numbers of staff, grading, remuneration and deployment and agree terms and conditions for the employment of staff, subject to fundamental changes to the organisation structure being agreed by the cabinet.	
1.3	To approve any <b>redundancies, retirements, secondments, unpaid leave requests, pension related matters, job maintenance decisions, market premia, annual increments and any other employment related matters</b> , subject to proposals for enhanced benefits exceeding £10,000 being determined by the Audit and Governance Committee.	
1.4	To authorise the payment of <b>recruitment and retention incentives</b> .	
2.0	ASSETS OF COMMUNITY VALUE	
2.1	To determine or authorise another officer to determine a <b>formal review</b> requested by the landowner.	
2.2	To determine or authorise another officer to determine <b>landowner claims for compensation</b> .	
3.0	MISCELLANEOUS	
3.1	To receive and deal with all <b>Ombudsman complaints</b> and authorise local settlements (LGA 1974 and S92 LGA 2000).	
3.2	To take any action considered necessary in an <b>emergency</b> .	Group leaders

## Electoral registration officer and returning officer

(Elections and Electoral Registration)

<b>ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER</b>		
<b>Ref</b>	<b>Function</b>	<b>Consultation (where applicable)</b>
1.0	ELECTIONS AND ELECTORAL REGISTRATION	
1.1	To take such action and make such decisions as are necessary as the <b>council's electoral registration officer and returning officer.</b>	
1.2	<b>Assigning officers</b> in relation to requisitions of the electoral registration officer.	
1.3	As returning officer to designate an <b>alternative polling place</b> if the designated polling place becomes unavailable for a particular election.	
1.4	To <b>make changes to polling districts and polling places</b> where circumstances dictate that this is desirable.	Members of the Community Governance and Electoral Issues Committee and the relevant ward councillor(s)
1.5	Providing assistance at <b>European parliamentary elections.</b>	
1.6	Power to fill vacancies in office and giving <b>notice of casual vacancies.</b>	
1.7	Duties relating to <b>providing notice to the Electoral Commission and relating to publicity.</b>	

## Chief finance (section 151) officer

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
1.0	PAYMENTS	
1.1	To deal with all the <b>council's staff salaries and wages</b> , together with all tax, superannuation and similar deductions	
1.2	To organise, administer and monitor the <b>council's loan scheme</b> and authenticate all agreements relating to the scheme	
2.0	FINANCIAL	
2.1	To <b>sign all cheques</b> and similar documents for the payment of monies due by the council	
2.2	To make determinations relating to <b>government controls over spending and borrowing</b> and to administer the council's accounts and various bank accounts Sections 42, 56, 60 and 63 LGFA1988	
2.3	To organise, administer and monitor any council <b>overdrafts</b> with the council's bank.	
2.4	To organise, administer and monitor any <b>loans or other borrowing arrangements</b> with the council's bank or other lending institutions or individuals.	Cabinet member for finance in the case of borrowing for more than 365 days.
2.5	To organise, administer and monitor the investment of council funds and other <b>treasury management functions</b> .	
2.6	To act as the <b>money laundering reporting officer</b> .	
2.7	To make exceptions to the limits in the <b>treasury management investment strategy</b> in any financial year up to £3,000,000, where he is satisfied that it is financially advantageous to the council and at a comparable level of risk to that detailed in the treasury management investment strategy.	Cabinet member for finance

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
3.0	DEBT COLLECTION	
3.1	To authorise the <b>writing off of any debt.</b>	Cabinet member for finance when over £5,000
4.0	COUNCIL TAX AND LOCAL TAXATION	
4.1	To grant <b>discounts/relief to non-domestic ratepayers</b> under Sections 43, 45, 47 and 49 LGFA 1988.	
4.2	To determine all applications for <b>discretionary council tax reductions</b> in accordance with any rules made by the council. (S.13A(c).LGFA 1992).	
4.3	To approve and submit the Council's national non-domestic rates 1 form (NNDR1) each year as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 2012).	Cabinet member for finance
5.0	MISCELLANEOUS	
5.1	To determine <b>variations in interest rates</b> on mortgages and advances for private house purchase. (S.438 HA 1985).	
5.2	To authorise action and incur expenditure in connection with <b>emergencies and disasters</b> , in accordance with the Financial procedure rules.	
5.3	To authorise postponement of the council's <b>right to repayment of discount</b> until after a lender has received the amount owing on a mortgage.	
5.4	To determine applications for the postponement of the council's <b>registered charge</b> following the sale of a council house. (S.156 HA 1985).	

## Head of corporate strategy

(Communications, community strategy, climate change, environmental health, environmental protection, waste including waste strategy; grounds maintenance)

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
1.0	GRANTS	
1.1	To approve or refuse extensions for the take up of <b>capital grants</b> awards.	
1.2 (VALE ONLY)	To approve or refuse time extensions for the take up of <b>new homes bonus grants</b> awards.	
1.3 (VALE ONLY)	To approve <b>festival and event grant</b> awards of up to £1,000.	Cabinet member for corporate strategy
1.4 (SOUTH ONLY)	To approve grant awards of up to £1,000 for <b>young achievers</b> .	Cabinet member for grants
1.5	To change the <b>percentage of a grant</b> award in line with the grants policy.	Cabinet member for grants
1.6	To <b>withhold or reduce a revenue grant</b> for failing to meet the agreed targets.	Cabinet member for grants
1.7	To <b>amend agreed targets</b> relating to revenue grant awards.	
1.8 (SOUTH ONLY)	To transfer money allocated in the provisional capital programme for <b>external capital grants to the approved capital programme</b> as and when required to pay grants previously approved.	
1.9	To <b>remove conditions</b> on grants awarded.	
1.10	To decide to <b>accept grant applications that do not meet all of the eligibility criteria</b> .	
2.0	PUBLICITY	
2.1	To compile and deal with all the council's <b>publicity material</b> including the publication of any council magazine and all press releases (S142, 144, 145 LGA 1972 and S2 LGA 1986).	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
3.0	OPEN SPACES (Recreation grounds, parks and gardens and riverbanks)	
3.1	To monitor and take all necessary action relating to the <b>day to day management</b> of all the council's open spaces.	
3.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to <b>enforce the provisions of any contract</b> or quasi-contract for the management and maintenance of all open spaces.	
3.3	To determine all applications for the <b>letting and use</b> of all the council's open spaces.	Relevant cabinet member (in the case of free or other special terms only)
3.4	To determine all applications for the <b>holding of fairs, fetes and other entertainment</b> on the council's recreation grounds, parks and gardens.	Relevant cabinet member
3.5	To negotiate and authorise the entering into of <b>open space agreements</b> . (S.9 OSA 1906)	Relevant cabinet member
3.6	To authorise the commencement continuation, discontinuance or settlement of any <b>legal proceedings</b> for any offence against any statute byelaw or other law relating to the council's recreation grounds, open spaces and gardens.	Head of legal and democratic services
4.0	REFUSE AND STREET CLEANING	
4.1	To monitor and take all necessary action to <b>enforce the provisions of the contract</b> with any contractor relating to refuse and street cleaning.	Relevant cabinet member and head of legal and democratic services in the case of legal proceedings only
4.2	To authorise and serve any notices and take all necessary action relating to the removal of <b>abandoned vehicles</b> or other things. (S.3-8 RD(A)A 1978)	



HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
4.3	To authorise the service of any Notices and take all necessary action relating to the <b>collection of waste, the provision of dustbins and to secure the removal of rubbish.</b> (S.34 PHA 1961)	
5.0	BURIAL	
5.1	To <b>grant exclusive rights of burial</b> and sign the necessary certificate	
6.0	LEGAL PROCEEDINGS	
6.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any <b>legal proceedings</b> (other than High Court proceedings or above) relating to offences under the relevant council enforced legislation highlighted in sections 7.0 to 22.2 below.	
6.2	To exercise the council's powers to gather evidence and investigate under the <b>Police and Criminal Evidence Act 1984.</b>	
7.0	HOUSING STANDARDS, HOUSING GRANTS AND MOBILE HOMES	
7.1	To exercise the council's powers and duties under the <b>Housing Act 1985 (as amended)</b> and the <b>Housing Act 2004</b> including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.2	To exercise the council's powers and duties under the <b>Caravan Sites and Control of Development Act 1960</b> and the <b>Mobile Home Act 2013</b> including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.3	To determine applications for <b>mandatory and discretionary grants</b> for the provision, repair, maintenance, renewal or improvement of housing in accordance with the <b>Housing Grants, Construction and Regeneration Act 1996.</b>	
7.4	To determine applications for <b>disabled facilities grants</b> in accordance with the <b>Housing Grants, Construction and Regeneration Act 1996.</b>	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
7.5	To determine applications for <b>Homes Repair Assistance</b> for minor works in accordance with the <b>Housing Grants, Construction and Regeneration Act 1996</b> .	
7.6	To determine applications for loans through the <b>Flexible Home Improvement Loans</b> Limited scheme.	
8.0	ENVIRONMENTAL PROTECTION, AIR QUALITY AND CONTAMINATED LAND	
8.1	To exercise the council's powers and duties under the <b>Environmental Protection Act 1990</b> including taking enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
8.2	To exercise the council's powers and duties under the <b>Pollution Prevention and Control Act 1999</b> including issuing and revoking Permits, taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.3	To exercise the council's powers and duties under the <b>Environment Act 1995</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.4	To exercise the council's powers and duties under the <b>Control of Pollution Act 1974 and 1989</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.5	To exercise the council's powers and duties under the <b>Clean Air Act 1993</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.6	To exercise the council's duties under the <b>Licensing Act 2003</b> as the responsible authority for <b>public safety</b> and the <b>prevention of public nuisance</b> .	
9.0	ANTI-SOCIAL BEHAVIOUR	
9.1	To exercise the council's powers and duties under the <b>Anti-Social Behaviour Act 2003</b> and the <b>Anti-Social behaviour, Crime and Policing Act 2014</b> including	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
10.0	FOOD SAFETY AND HYGIENE	
10.1	To exercise the council's powers and duties under the <b>Food Safety Act 1990</b> including statutory powers of inspection and entry, service of notices, taking of enforcement action, and the appointment of inspectors.	
10.2	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to the food safety or hygiene powers mentioned above or to the relevant regulations made under the <b>European Communities Act 1972</b> .	
10.3	To determine applications for certificates in connection with the <b>export of food</b> to certain foreign countries.	
11.0	HEALTH AND SAFETY	
11.1	To exercise the council's powers and duties under the <b>Health and Safety at Work etc. Act 1974</b> including statutory powers of inspection and entry, service of notices, taking enforcement action and the appointment of inspectors.	
12.0	NOTIFIABLE DISEASES	
12.1	To exercise the council's powers and duties under the <b>Public Health (Control of Diseases) Act 1984</b> including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	Medical officer/community physician
12.2	To appoint in writing a suitably <b>qualified medical practitioners</b> to act as the council's community physician (proper officer) and deputies in connection with the control of disease (S74 PH (CD) A 1984) and to rescind any appointment.	
13.0	RATS AND MICE / PEST CONTROL	
13.1	To exercise the council's powers and duties under the <b>Prevention of Damage by Pests Act 1949</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	inspectors.	
13.2	To take all necessary action to reduce the number of <b>pigeons</b> etc. in any built up area in the district. (S.74 Public Health Act 1961).	
13.3 (SOUTH ONLY)	To approve the use of the council's contracted <b>pest control</b> service.	
13.4	In cases of hardship, <b>to waive or vary the charges for pest control measures.</b>	
14.0	SANITATION AND LAND DRAINAGE	
14.1	To exercise the council's powers and duties under the <b>Public Health Act 1936</b> and the <b>Public Health Act 1961</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
14.2	To exercise the council's powers and duties under the <b>Local Government (Miscellaneous Provisions) Act 1976 and 1982</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
14.3	To exercise the council's powers and duties under the <b>Building Act 1984</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
15.0	CLEAN NEIGHBOURHOODS	
15.1	To exercise the council's powers and duties under the <b>Clean Neighbourhoods and Environment Act 2005</b> including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
15.2	To authorise town and parish council officers and staff nominated by the district council's contractors <b>to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act</b> and the <b>Clean Neighbourhoods and Environment Act 2005.</b>	
15.3	To give <b>authority to police community support officers</b> to issue fixed penalty notices in respect of litter, dog fouling, graffiti and fly posting under the <b>Clean</b>	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	<b>Neighbourhoods and Environment Act 2005.</b>	
16.0	SMOKING CONTROLS	
16.1	To exercise the council's powers and duties under the <b>Health Act 2006</b> , including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	
17.0	SUNDAY TRADING	
17.1	To exercise the council's powers and duties under the <b>Sunday Trading Act 1994</b> , including taking of enforcement action, powers of entry and the appointment of inspectors.	
18.0	ANIMALS	
18.1	To exercise the council's powers and duties under the <b>Animal Welfare Act 2006</b> , including licensing and registration functions, service of notices, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
18.2	To exercise the council's powers and duties under <b>The Dangerous Wild Animals Act 1976, The Pet Animals Act 1951, The Breeding of Dogs Acts 1973 and 1991, The Animal Boarding Establishments Acts 1964 and 1970, The Zoo Licensing Act 1981, and The Riding Establishments Acts 1964 &amp; 1970</b> including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
19.0	STRAY DOGS AND KENNELS	
19.1	To discharge the council's statutory responsibilities in connection with stray dogs under the <b>Environmental Protection Act 1990</b> and the <b>Clean Neighbourhoods and Environment Act 2005</b> .	
19.2	To approve the use of the council's contracted <b>dog warden service, dog boarding establishments, kennelling and veterinary services</b> .	
19.3	In cases of hardship, to <b>waive or vary the charges</b> for collection of and kenneling of lost or stray dogs.	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
20.0	LOCAL AMENITY (OVERGROWN GARDENS)	
20.1	To serve Notice in respect of the <b>condition of land and buildings</b> (S.215 TCPA 1990)	
20.2	To serve <b>notice in respect of information</b> relevant to the S.215 procedure (S.330 TCPA 1990).	
20.3	To <b>instigate powers</b> to undertake clean up works in default of a Notice (S.219 TCPA 1990).	
20.4	To instigate <b>legal proceedings</b> under for failure to comply with a Notice (S.216 TCPA 1990).	
21.0	SCRAP METAL	
21.1	To exercise the council's powers and duties under the <b>Scrap Metal Dealers Act 2013</b> including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
22.0	PRIVATE WATER SUPPLIES	
22.1	To exercise the council's powers and duties under the <b>Water Industry Act 1991</b> including risk assessment functions (rechargeable), undertaking water sampling (rechargeable), taking of enforcement action, service of notices, inspections, powers of entry and the appointment of inspectors.	
22.2	To give <b>authority to approved companies or organisations</b> to carry out water sampling on behalf of the council under the <b>Water Industry Act 1991</b> .	
23.0	LEISURE FACILITIES (INCLUDES LEISURE CENTRES, CIVIC CENTRES AND TOURISM FACILITIES)	
23.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the <b>day to day management</b> of all the council's leisure facilities.	
23.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract for the management of the <b>council's leisure and sports centres and other facilities</b> .	

## HEAD OF CORPORATE STRATEGY

Ref	Function	Consultation (where applicable)
23.3	To authorise the commencement, continuation, discontinuance or settlement of any <b>legal proceedings</b> for any offence against any statute byelaw or other law relating to the council's leisure and sports centres.	Head of legal and democratic services
23.4	To determine and take all necessary action in respect of the <b>promotion of sports</b> within the district.	
23.5	To <b>procure approved capital investment projects</b> for the leisure centres where the funding for such projects is in the council's approved capital programme.	Cabinet member for leisure

## Head of finance

(Revenues and benefits client/benefit fraud (Vale), accountancy (SODC), revenues, benefits, payments and assisted travel (Capita), internal audit (Vale), payroll, and the Arts)

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
1.0	FINANCIAL	
1.1	To effect such <b>insurances</b> as are necessary, compatible with the proper management of the council's assets, and having regard to potential liabilities and other risks.	
1.2	To deal with all <b>insurance claims</b> and the settlement of such claims with the council's insurers.	
1.3	To receive and bank all <b>income</b> received by the council.	
1.4	To <b>administer the statutory schemes</b> for payment of housing benefit, rent allowances, rent rebates, council tax rebates and transitional relief, including the exercise of discretion in exceptional circumstances.	
1.5	To approve the issue of <b>liability orders</b> .	
1.6	To grant <b>discretionary housing payments</b> in accordance with the Child Support, Pensions and Social Security Act 2000.	
1.7	To administer sanctions and initiate proceedings in accordance with the <b>Social Security Administration Act 1992</b> and the Theft Act 1968 and any future enactments.	
1.8	To <b>authorise officers to obtain information</b> from employers, etc. under Section 110A of the Social Security Administration Act 1992.	
2.0	DEBT COLLECTION	
2.1	To organise, administer and monitor the collection and recovery of <b>sundry debts</b> owed to the council, including excess parking charges and to authorise the issue and service of all notices and demands concerning the same.	



HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
2.2	Subject to any rules of court, to authorise those members of staff who may represent the council as <b>advocates or as witnesses in any legal proceedings</b> relating to the council tax community charge or housing benefit and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	
3.0	COUNCIL TAX, COMMUNITY CHARGE AND LOCAL TAXATION	
3.1	To administer the demand, collection and recovery of the <b>council tax, community charges, rates and other locally levied or collected taxes.</b>	
3.2	Subject to any rules of court, to authorise those members of staff who may represent the council as <b>advocates or as witnesses in any legal proceedings</b> relating to the council tax community charge and rates and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	
4.0	BENEFITS	
4.1	To administer and determine all applications for <b>housing, council tax, community charge or other benefits.</b>	
4.2	To determine entitlement to <b>concessionary fares</b> and to organise, administer and maintain the concessionary fares scheme.	
4.3	To <b>authorise criminal proceedings for housing and council tax benefit</b> (SSAA 1992 and WRA 2007)	
4.4	To <b>prosecute for offences relating to national benefits</b> administered by the Department for Work and Pensions.	
4.5	To <b>investigate national benefits</b> (income support, jobseeker's allowance, incapacity benefit, state pension credit or employment and support allowance) in conjunction with investigating housing and council tax benefit in the same case.	
5.0	AUDIT	
	Functions for maintaining an adequate and effective system of <b>internal audit.</b>	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
6.0	MISCELLANEOUS	
6.1	To exercise discretion in waiving the repayment of renovation and associated <b>housing grants</b> .	
7.0	THE ARTS, INCLUDING THE CORNERSTONE	
7.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the <b>day to day management</b> of all the council's arts facilities.	
7.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract for the management of the <b>council's arts facilities</b> .	
7.3	To authorise the commencement continuation, discontinuance or settlement of any <b>legal proceedings</b> for any offence against any statute byelaw or other law relating to the council's arts facilities.	Head of legal and democratic services
7.4	To determine and take all necessary action in respect of the <b>promotion of the arts</b> within the district.	
7.5	To <b>procure approved capital investment projects</b> for arts facilities where the funding for such projects is in the council's approved capital programme.	Cabinet member for leisure
8.0	SAFEGUARDING	
8.1	In the absence of the head of HR, IT and technical services, to <b>make reports of safeguarding concerns</b> in accordance with the council's safeguarding policy.	

## Head of housing

HEAD OF HOUSING		
Ref	Function	Consultation (where applicable)
1.0	HOUSING	
1.1	<b>Allocation management</b> of housing accommodation.	
1.2	To be responsible for the annual review of the <b>statutory homelessness strategy</b> .	Cabinet member for housing and strategic director
1.3	To discharge the council's statutory responsibilities for <b>homelessness</b> under the housing legislation.	
1.4	To carry out statutory <b>section 202 reviews</b> under the Housing Acts 1996 Parts 6 and 7 in accordance with legislation and guidance.	
1.5	To keep and maintain a <b>housing register</b> .	
1.6	To exercise the council's powers and duties under <b>Housing Act 1996 Part VI</b> (and the Localism Act 2011).	
1.7	To carry out the annual review of the statutory <b>allocations policy</b> .	
1.8	To determine on application or otherwise whether any person should be placed on the <b>housing register</b> and amend or remove any such entry in appropriate circumstances and to review any decision not to place or to remove a person from the housing register.	
1.9	To <b>provide information</b> to any person on the housing register relating to himself.	
1.10	To <b>allocate housing accommodation</b> to those persons qualifying for accommodation in accordance with the council's approved allocation scheme and taking in to account equalities considerations under the Equalities Act 2010.	
1.11	To provide information about the <b>council's allocation scheme</b> to any member of the public.	

HEAD OF HOUSING		
Ref	Function	Consultation (where applicable)
1.12	In exercising the allocation of housing functions mentioned above to <b>notify all applicants and other relevant persons</b> of all decisions made giving reasons where appropriate.	
1.13	To determine applications for accommodation / assistance by <b>former agricultural workers</b> under the rent (agriculture) legislation.	
1.14	To determine the allocation of dwellings to local people who have <b>housing needs</b> .	
1.15	To determine claims and authorise payments for <b>home loss and disturbance</b> .	
1.16	To comment on <b>bids from registered social landlords for funding</b> .	Cabinet member for housing
1.17	To <b>allocate sites for affordable housing</b> development to registered social landlords.	Relevant strategic director and Cabinet member for housing
1.18	To serve statutory <b>notices and take enforcement action</b> relating to housing and associated matters for example prohibition orders, improvement notices, hazardous awareness notices and empty dwelling management orders.	
1.19	To enter into <b>nomination agreements</b> .	
1.20 (VALE ONLY)	To acquire and dispose of land and property where the transaction forms part of the <b>council's housing capital budget</b> and is for a sum less than £500,000 and the transaction and associated costs can be met from the housing association programme budget.	
1.21 (VALE ONLY)	To authorise the approval and <b>amendment of council's housing capital budget</b> subject to any approved criteria for housing association developments.	
2.0	HOUSING RENEWAL / ASSISTANCE	
2.1	To exercise the powers conferred on housing authorities under the <b>Regulatory Reform Order (Housing Assistance)</b> (England & Wales) Order 2002 Article 3.	

HEAD OF HOUSING		
Ref	Function	Consultation (where applicable)
2.2	To <b>determine all applications</b> for housing renewal and disabled facilities adaptations in accordance with the councils adopted policy.	
2.3	To <b>recover monies</b> secured by charge on sale of property or transfer of title deed in accordance with housing renewal policy applicable when application determined	
2.4	To exercise the powers and duties of the council under the <b>national assistance</b> legislation.	

## Head of HR, IT and technical services

(Car parks, contact services, emergency planning, facilities management, human resources, ICT, mobile home parks, organisational change, and street naming)

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
1.0	HUMAN RESOURCES	
1.1	To take any action required or authorised under the council's <b>recruitment and selection</b> policy and procedures.	
1.2	To issue and authenticate all council <b>contracts of employment</b> .	
1.3	To make <b>awards</b> to employees achieving qualifications.	
1.4	To authorise <b>contractual salary progression</b> .	
1.5	To determine <b>staff salary grades</b> in accordance with the council's approved job evaluation scheme.	
1.6	To authorise <b>honoraria</b> to staff.	
1.7	To <b>implement pay awards</b> and decisions of national negotiating bodies.	
1.8	To make <b>appointments and dismissals</b> of staff.	
1.9	To undertake any <b>disciplinary action</b> .	
1.10	To undertake any action necessary in respect of <b>job maintenance and staff capabilities</b> .	
1.11	To authorise <b>casual and essential user car allowances</b>	
2.0	FREEDOM OF INFORMATION	
2.1	To adopt future versions of the <b>Information Commissioner's Standard Publication Scheme</b> .	
2.2	All <b>responsibilities under the Freedom of Information Act 2000 and Environmental Information Regulations 2004</b> , mainly maintain a publication scheme for the proactive release of information; confirm or deny to applicants whether the council holds information not covered by the	Head of legal and democratic services in respect of any applications for exemptions

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	publication scheme and disclose the information to applicants, providing it is not exempt under the Act.	
3.0	<b>STREET NAMING AND NUMBERING</b>	
3.1	To authorise the display and service of any Notice and authorise the <b>naming of any street, or the alteration of any street name</b> provided it is unopposed (S.13 OA 1985).	
3.2	To <b>place the name</b> of any street in a conspicuous position (S.13 OA 1985).	
3.3	To confirm new <b>street names</b> .	Group leaders and local ward councillors
4.0	<b>MOBILE HOMES</b>	
4.1	To <b>allocate pitches</b> for the stationing of mobile homes on the council's mobile home sites and enter into agreements with occupiers of such mobile homes (S.1 MHA 1983).	
4.2	To <b>determine applications</b> for the succession, transfer or exchange or sale of Mobile Homes (S.3 MHA 1983).	
4.3	To <b>determine all others matters</b> relating to the management of the council's Mobile Home Sites, including authorising the service of any notices and the commencement, continuance, defence, settlement or discontinuance of any legal proceedings (other than High Court Proceedings or above) against occupiers, including also the issue and execution of Warrants for Possession. (Sch 1968 S.2 and Sch.1 MHA 1983).	Cabinet member for technical services in the case of legal proceedings only (other than cases of rent arrears or urgency).
5.0	<b>SEWERAGE AND LAND DRAINAGE</b>	
5.1	To carry out all the statutory <b>duties and powers of Thames Water Utilities</b> under the terms and conditions of any agency agreement or contract including the adoption of any sewer or drains by Agreement or otherwise. (WA 1989 and S.17 18 PHA 1936).	
5.2	To authorise and serve any <b>notices of entry onto land</b> in connection with the provision or maintenance of sewerage facilities or the alteration of sewerage or drainage systems. (WA 1989).	

## HEAD OF HR, IT AND TECHNICAL SERVICES

Ref	Function	Consultation (where applicable)
5.3	To authorise the making of any agreement with the highway authority for the use of <b>highway sewers</b> as sewers for sanitary purposes or to allow public sewers to be used for the drainage of public highways. (S.21 PHA 1936).	
5.4	To require works to be carried out relating to the <b>disconnection of drains</b> (S62 BA 1984).	
5.5	To authorise and serve any notice for the repair, maintenance and cleansing of any <b>culvert</b> (S.264 PHA 1936).	
5.6	To authorise drainage works and exercise any <b>powers of the drainage authority</b> to prevent flooding or remedying or mitigating any flood damage (S.14 LDA 1991).	Cabinet member for technical services, except in cases of emergency or urgency.
5.7	To provide a <b>drainage clearance service</b> to clear private blocked sewers and all drains and to serve the necessary notice and form on the relevant owners and occupiers (S17 and 22 PHA 1961 and S35 LG (MP) A 1976).	
5.8	To authorise and serve any notice for the <b>maintenance of the flow of non-main river watercourses</b> . (S.25 LDA 1991).	
6.0	CAR PARKING	
6.1	To authorise the <b>enforcement of the provisions of the council's car parking orders</b> (S.35A 112 RTRA 1984)	
6.2	To determine <b>applications to use the council's pay and display car parks</b> for the following purposes:	Cabinet member for technical services
	(a) Requests for charitable organisations to use the car parks to hold <b>fund raising events</b> such as flag days and charity car washes.	
	(b) Requests for charities or other not-for-profit organisations to locate temporary <b>mobile units</b> offering advice and information at car parks.	



HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	(c) Requests from public bodies such as Southern Electricity and training and enterprise councils, offering <b>advice and information</b> at car parks.	
	(d) Requests to reserve spaces in the car parks or waive charges for parking during <b>special events</b> .	
	(e) Requests for permits to be issued to allow car parks to be used for the purposes of <b>dropping off and picking up</b> where no other suitable parking facilities exist, such as schools and playgroups.	
	(f) Requests from private companies wishing to gain alternative <b>temporary access</b> to their businesses or have a temporary base (e.g. film crews) at the car parks for which a charge is made.	
6.3	To <b>waive car park charges</b> for Christmas and other special occasions.	Cabinet member for technical services
6.4	To determine <b>appeals against excess charge notices</b> issued for contravention of regulations in the council's car parks.	
6.5	To <b>write off excess charge notices</b> .	
7.0	EMERGENCY PLANNING	
7.1	All operational matters in relation to preparation for and management of the council's response to civil emergencies.	
8.0	ASSETS OF COMMUNITY VALUE	
8.1	To decide whether to <b>list or not to list an asset</b> as an asset of community value.	
8.2	To <b>determine a formal review</b> requested by the landowner.	
8.3	To <b>determine landowner claims</b> for compensation.	
9.0	SAFEGUARDING	
9.1	To <b>make reports of safeguarding concerns</b> in accordance with the council's safeguarding policy.	

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
10.0	LAND AND PROPERTY MATTERS	
10.1	To <b>manage the council's land</b> and property portfolio.	
10.2	To authorise the following types of <b>land and property transactions</b> provided that:  (i) in the case of paragraph (a), the consideration is <b>the best that can reasonably be obtained</b> unless a general consent of the Secretary of State applies; and  (ii) all disposals shall be on the <b>best financial terms</b> unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member.	
	(a) To approve the <b>freehold or leasehold sale</b> of land and property where the land or property transaction is up to a book value of £10,000.	Relevant cabinet member in the case of land and property with a book value in excess of £5,000
	(b) To approve and accept <b>surrenders or terminations of leases and licences and any ancillary documents</b> and determine applications for the <b>assignment, sub lettings and transfer of leases and licences</b> and the granting of sub-leases and under leases and other applications for consent required by lessees.	Head of legal and democratic services
	(c) To determine the <b>renewal of leases and tenancies</b> .	Cabinet member for property/head of legal and democratic services where the annual rental value exceeds £10,000
	(d) To <b>grant new leases and tenancies</b> up to an annual rental value limit of £50,000.	Cabinet member for property/head of legal and democratic services where the annual rental value exceeds £10,000
	(e) To negotiate and approve <b>rent reviews and licence fee reviews</b> .	Head of legal and democratic services

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	(f) To determine applications for the <b>release or variation of covenants</b> .	Head of legal and democratic services
	(g) To grant <b>wayleaves, easements, licences and other rights of users</b> in respect of council owned land or property.	Head of legal and democratic services
	(h) To <b>dedicate land</b> owned by the council as a highway.	Head of legal and democratic services
	(i) To enter into <b>agreements</b> under section 278 of the Highways Act 1980.	Head of legal and democratic services
	(j) To determine requests from developers for the council to <b>adopt land on housing developments</b> , subject to the payment of a commuted sum and the land being transferred at a nominal sum.	Head of corporate strategy and head of planning
	(k) To <b>serve notices</b> required in relation to the acquisition, disposal, rental, leasing and management of land and property.	
	(l) To grant the consent of the council and agree to <b>release covenants</b> in respect of land and property matters including retrospective consents and consents under section 157 of the Housing Act 1985.	<b>SOUTH ONLY</b>
10.3	To <b>acquire the freehold</b> of leasehold land.	
10.4	To <b>enter into easements, wayleaves and other licences</b> on non-council owned land.	
11.0	ECONOMIC DEVELOPMENT	
11.1	To <b>award capital grants for economic development projects</b> for which there is an approved budget.	
11.2	To carry out day to day management of the council's role as accountable body for the <b>Oxfordshire LEADER programme</b> , including the hosting of staff associated with the project.	

## Head of legal and democratic services

(Community safety, democratic services, elections, legal, licensing, local land charges)

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
1.0	LEGAL	
1.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any <b>legal proceedings</b> and to deal with all related matters.	Relevant head of service
1.2	To authorise the commencement, continuation, defence, settlement or discontinuance of any <b>legal proceedings</b> for the prosecution of any alleged offences following the service of any notice issued by the council or relating to any breach of the advertisement regulations or the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.	Head of planning
1.3	To prepare any <b>agreements, orders, directions, notices and other documents</b> for the council.	
1.4	To accept service of any <b>legal proceedings</b> commenced against the council and any pleadings, notices and other documents relating to such proceedings.	
1.5	To <b>instruct counsel or outside solicitors</b> to represent or otherwise assist the council in any <b>legal proceedings in court, public inquiries, tribunals and similar hearings</b> .	
1.6	To <b>instruct counsel or outside solicitors</b> to advise or otherwise assist the council in connection with <b>any legal work</b> of the council.	
1.7	To make <b>road closure orders</b> under the Town Police Clauses Act 1847.	
1.8	To authorise and make orders for the <b>temporary closure</b> of streets during public processions. (S.21 TPCA 1847).	
1.9	To grant <b>wayleaves, easements, licences and other rights of use</b> in respect of council property.	
1.10	To document <b>rent reviews</b> .	
1.11	To enter into <b>agreements</b> with developers in relation to proposed foul sewerage systems for estates.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
1.12	To enter into other <b>legal agreements</b> .	Relevant head of service
1.13	To initiate proceedings for the <b>recovery of all sums</b> due to the council.	
1.14	To institute proceedings for making <b>anti-social behaviour orders</b> .	
1.15	To make orders and make temporary <b>appointments to parish councils</b> as required under the powers in Section 91(1) of the Local Government Act 1972.	
1.16	To be responsible for the <b>authentication of any council documents</b> .	
1.17	To be <b>responsible for the common seal and for sealing any documents</b> on behalf of the council.	
1.18	To organise, administer and <b>monitor the collection and recovery of sundry debts</b> owed to the council, including excess parking charges and to authorise the issue and service of all notices and demands concerning the same.	
1.19	To make an order under Section 109 of the Local Government act 1972 <b>to grant, on request, powers to parish meetings</b> .	
2.0	DEMOCRATIC	
2.1	To make any necessary <b>amendments to the Constitution</b> to give effect to any council decisions.	
2.2	To <b>update the Constitution</b> to reflect changes in staff responsibilities.	
2.3	To make appointments to <b>outside bodies</b> , occurring during the period of appointments, where they arise as a result of vacancies or new appointments.	Group leaders
2.4	To <b>approve attendance of councillors</b> at seminars and conferences, training courses and any other events.	
2.5	To <b>appoint members</b> to task groups and panels.	Group leaders
2.6	To approve and make amendments to the <b>calendar of meetings</b> .	Group leaders

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
2.7	To approve up to two consecutive three-month <b>periods of non-attendance</b> at meetings by councillors with the agreement of group leaders.	Group leaders
2.8	To <b>change committee memberships</b> in accordance with the wishes of the group leader.	Group leader
3.0	LICENSING	
3.1	To determine all matters (including applications, variations, transfers, suspensions, terminations and revocations), exercise all statutory powers and carry out all functions for which the service is responsible in relation to <b>licensing and registration</b> as specified in Regulation 2 and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
3.2	To appoint new <b>hackney carriage ranks</b> following the statutory consultation process (S63 LG(MP)A 1976).	Cabinet member for legal and democratic services and local ward councillor(s)
3.3	To apply on behalf of the council relevant powers in connection with provisions of the Road Traffic Act 1988 (RTA 1988) and Road Safety Act 2006 (RSA 2006).	
3.4	To exercise the council's powers and duties under the <b>Licensing Act 2003</b> to take enforcement action, review licences, carry out inspections, exercise powers of entry, and appoint inspectors.	
3.5	To serve a counter notice in respect of <b>temporary event notices</b> .	
3.6	To determine applications for <b>personal licences</b> where there are no police objections and no unspent convictions.	
3.7	To determine applications for <b>premises licences/club premises certificates</b> , including variation and transfer applications where there are no valid representations.	
3.8	To determine applications for <b>designated premises supervisors</b> , including variations (and removal requests) where there are no police objections.	
3.9	To deal with applications for <b>interim authorities</b> where there are no police objections.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
3.10	To decide whether a <b>complaint</b> is irrelevant, frivolous, vexatious, repetitious etc.	
3.11	To decide whether a <b>representation</b> is a valid representation.	
3.12	To decide on behalf of the authority that a <b>hearing</b> is not necessary when all relevant persons so agree.	
3.13	To determine applications for <b>gambling premises licences</b> , including variation and transfer applications where no representations have been received or representations have been withdrawn.	
3.14	To determine applications for <b>provisional statements</b> where no representations have been received or representations have been withdrawn.	
3.15	To determine applications for <b>club gaming / club machine permits</b> where no objections have been made or objections have been withdrawn.	
3.16	To cancel licensed premises <b>gaming machine permits</b> .	
3.17	To determine applications for <b>other permits</b> .	
4.0	LOCAL LAND CHARGES	
4.1	To be responsible for <b>local land charges and any registration or searches</b> in accordance with the local land charges legislation.	
4.2	To <b>negotiate and agree with enquirers fees</b> for supplementary enquiries when the standard fees are inappropriate.	
5.0	HIGHWAYS	
5.1	To authorise the making of an agreement for the <b>adoption of highways</b> on behalf of the Highway Authority. (S.38 HA 1980).	
5.2	To authorise and serve any notice relating to the <b>removal of structures from highways</b> . (S.143 HA 1980).	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
5.3	To authorise and serve any notice relating to the <b>enlargement of gates across highways or bridleways.</b> (S.145 HA 1980).	
5.4	To authorise and serve any notice relating to the <b>maintenance of stiles, gates or other works.</b> (S.146 HA 1980).	
5.5	To authorise the <b>erection of stiles, gates or other works on footpaths or bridleways.</b> (S.147 HA 1980).	
5.6	To authorise and serve any notice requiring the <b>removal of things deposited on highways</b> and authorise the removal of the same with or without a Disposal Order. (S.148 HA 1980).	
5.7	To authorise and serve any notice and take any other action relating to any <b>dead, diseased, damaged, insecure or overhanging hedges, trees or shrubs.</b> (S.154 HA 1980).	
5.8	To authorise and serve any notice for the <b>prevention of water flowing onto highways.</b> (S.163 HA 1980).	
5.9	To authorise and serve any notice and take any other action to require the <b>removal of barbed wire near a highway.</b> (S.164 HA 1980).	
5.10	To authorise and serve any notice and take any other action relating to <b>dangerous land, forecourts and retaining walls near streets.</b> (S.165-167 HA 1980).	
5.11	To require the <b>removal of obstructions</b> and the filling in of excavations on streets. (S.174 HA 1980).	
5.12	To issue consents for the <b>construction of vaults, arches or cellars under streets.</b> (S.179 HA 1980).	
5.13	To issue consents for the <b>control of openings and works on a street to provide access, air or light to premises.</b> (S.180 HA 1980).	
5.14	To determine applications for Licences relating to <b>apparatus in or under highways.</b> (S.181 and 182 HA 1980).	
5.15	To require payments and determine liability and amounts of payments under the <b>Advance Payments Code</b> (S.219 and 220 HA 1980).	



HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
6.0	FOOTPATHS AND BRIDLEWAYS	
6.1	To authorise the <b>making and confirmation of any footpath and bridleway orders</b> for the stopping up, or diversion of footpaths and bridleways, subject to: -	
	- where there are objections	Chairman of the planning committee with the local ward councillor(s) being kept informed
7.0	COMMUNITY SAFETY	
7.1	To authorise expenditure in connection with the funding of projects from specific government funding streams provided for <b>community safety initiatives</b>	
7.2	To issue <b>community protection notices</b> and <b>fixed penalty notices</b> , to make <b>public spaces protection orders</b> , to issue <b>closure notices</b> and make applications for <b>closure orders</b> under the Anti-Social Behaviour, Crime and Policing Act 2014.	
8.0	ELECTIONS	
8.1	To <b>declare a vacancy</b> if a councillor fails to attend a meeting of the authority for six months without the prior approval of Council.	
9.0	SAFEGUARDING	
9.1	In the absence of the head of HR, IT and technical services, to <b>make reports of safeguarding concerns</b> in accordance with the council's safeguarding policy.	

## Head of planning

(Building control; development management; planning policy; trees)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.0	PLANNING	
1.1	To <b>determine all applications</b> made to either District Council relating to planning matters, except in the following cases:	
VALE ONLY	(a) i A <b>Ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in</b> the application to be considered by the Planning Committee within 28 days of the date of registration of the application (unless an extension to the consultation period has been granted) and the request is agreed by the Chairman or, in their absence, the Vice Chairman in consultation with the Head of Planning. This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous. Councillors' right of call-in does not apply to applications for certificates of lawful development.	
SOUTH ONLY	(a) ii A <b>Ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in</b> the application to be considered by the Planning Committee within 28 days of the date of registration of the application (unless an extension to the consultation period has been granted). Councillors' right of call-in does not apply to applications for certificates of lawful development.	
	(b) No application being determined before the <b>expiry of the consultation period(s)</b> .	

**HEAD OF PLANNING**

Ref	Function	Consultation (where applicable)
<p>VALE ONLY</p> <p>SOUTH ONLY</p>	<p>(c) <b>Where the following applies</b> the planning matter shall be referred to the Planning Committee for determination:</p> <p>(i) The Head of Planning, in consultation with the Planning Committee Chairman, considers that <b>the Planning Committee should consider it.</b></p> <p>(ii) The application is recommended for approval and would represent a <b>significant departure</b> from:</p> <p>a. the policies of the development plan (includes the adopted local plan, neighbourhood plans, and the waste and minerals local plan);</p> <p>b. the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England);</p> <p><b>or</b> the development plan policies are 'set aside'.</p> <p>(iii) The application is recommended for approval and falls into the category of a <b>'large scale major' application</b> (<i>defined as 200 or more dwellings, or where the site is 2 hectares or more in size</i>).</p> <p>(iv) In <b>major applications</b> (<i>defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size</i>) where any written or e-mailed <b>objection on material planning grounds</b> is received from the town or parish council or parish meeting, which is contrary to the officer's recommendation and cannot be resolved by condition or negotiation.</p> <p>(v) In applications categorised as major or minor where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town</p>	

Approval date:  
Implementation date:

**HEAD OF PLANNING**

Ref	Function	Consultation (where applicable)
	<p>council (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chairman and the local ward councillor.</p> <p>(vi) The proposal <b>involves either council as applicant or landowner</b>, except in the case of '<b>minor proposals</b>' (<i>defined as fewer than ten dwellings; commercial space of less than 1,000 square metres; or sites of less than a hectare in size</i>) or '<b>other proposals</b>' (<i>defined as changes of use, householder development (development within the curtilage of a residential property), adverts, listed building consents, conservation area consents, lawful development certificates, agricultural notifications, telecommunications, etc.</i>) and where no objections on planning grounds have been received when the Head of Planning; and subject to the decision being signed off by the Monitoring Officer of the District Council.</p> <p>(vii) The <b>applicant, landowner or planning agent or consultant is a councillor</b> of either Council.</p> <p>(viii) Any application where <b>an employee of either council is involved in any capacity as either agent or consultant</b> and objections have been received on planning grounds.</p> <p>(ix) The <b>applicant is a member of staff in the planning service.</b></p> <p>(x) The <b>applicant is a member of staff</b></p>	<p>Chairman of the Planning Committee and relevant Ward councillor</p>

Approval date:  
Implementation date:

**HEAD OF PLANNING**

<b>Ref</b>	<b>Function</b>	<b>Consultation (where applicable)</b>
	<p>who, in the course of their duties has an input in to the planning process and objections have been received on planning grounds. (Any other application from employees of either council may be delegated to the head of planning)</p>	

*Approval date:*  
*Implementation date:*

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.2	To invoke in the following circumstances a <b>'cooling off period'</b> following a decision taken by the planning committee:	
	(a) where the committee refuses an application on grounds that the head of planning / or an officer authorised by him/her considers it puts the <b>council at significant risk</b> of having a cost award made against it in the event of an appeal being lodged.	
	(b) where the committee approves an application that the head of planning / or an officer authorised by him/her considers it is clearly <b>contrary to the development plan</b> and could set a planning precedent for the future.	
	(c) When the head of planning, or an officer authorised by him/her, considers that he/she may wish to use the "cooling off" powers, s/he will inform the planning committee accordingly before the meeting proceeds to the next item. S/he will then consult with the cabinet member for planning or in his/her absence the leader of the council and confirm his/her decision by noon on the second working day after the date on which the decision was taken. If he/she confirms a "cooling off period", s/he will not issue the decision notice but will bring a further report to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter. The decision taken by the committee having considered this second report will be final and the head of planning will issue the decision notice.	Relevant cabinet member for planning or in his/her absence the leader
1.3	To refuse a planning application in circumstances where a <b>section 106 agreement is not signed</b> within the application target decision date.	
1.4	To grant planning permission in circumstances where a <b>section 106 agreement is signed</b> outside the application target decision date.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.5	To decline to accept a <b>repeat planning application</b> following a previous refusal.	
1.6	To <b>determine all applications</b> under the Town and Country Planning (General Permitted Development) Order 1995.	
1.7	To approve or refuse <b>non-material amendments</b> to approved plans.	
1.8	To determine <b>Certificates of Lawfulness</b> of existing and proposed uses or development.	
1.9	To approve or refuse <b>items reserved for further approval</b> by a condition attached to a planning permission or approval, or an advertisement or listed building consent (for example, details of landscaping or materials).	
1.10	To determine which applications should be the subject of a <b>formal site visit</b> .  Note - This does not preclude the planning committee from agreeing to hold a site visit in respect of any application submitted to it for determination.	Chairman of the Planning Committee
1.11	To authorise the entering into, acceptance of, amendment to, or revocation of any planning or any other <b>agreement, consent or obligation</b> regulating or controlling the use or development of land.	Chairman of the Planning Committee (for all applications referred to committee)
1.12	To receive and consider all <b>environmental statements</b> submitted with an application for planning permission, and to request further information when necessary.	
1.13	To determine requests made by <b>ward councillors</b> to attend, observe and take part in pre-application discussions where a formal officers' development team has been set up.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.14	To determine which applications need to be <b>referred to the Secretary of State.</b>	
1.15	To designate <b>neighbourhood planning areas.</b>	Cabinet member for planning policy <b>(VALE ONLY)</b>
2.0	APPEALS	
2.1	To deal with all matters relating to <b>planning appeals</b> , subject to the following:	
	(a) any proposal to <b>challenge appeal decisions</b> ; and	Chief executive, leader of the council and Chairman of the planning committee
	(b) any <b>amendment to the grounds</b> on which the council will defend an appeal against a decision made by the planning committee.	Chairman of the Planning Committee
3.0	CONSULTATION / RESPONSES	
3.1	To determine which applications should be the subject of <b>consultation</b> and to undertake that consultation.	
3.2	To determine and undertake any <b>publicity</b> required in respect of planning applications.	
3.3	To <b>issue directives</b> requiring the submission of information relating to planning applications.	
3.4	To determine the <b>council's response to all consultations on planning matters</b> by statutory undertakers and utility companies, government departments and other authorities and bodies (e.g. ecclesiastical exemptions), including the council's view on applications that are the subject of appeals against non-determination.	
3.5	To <b>comment on any planning applications</b> submitted to adjacent local authorities or by Oxfordshire County Council in cases when this council is a consultee.	



HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
3.6	To submit and pursue objections with the traffic commissioners against applications for <b>goods vehicles operators' licences</b> .	Head of legal and democratic services
3.7	To <b>express the opinion</b> of the council as local planning authority on whether a proposal is affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations and The Environmental Assessment of Plans and Programme Regulations, to include providing a screening or scoping opinion, and assessment of statements.	
4.0	ENFORCEMENT / EXERCISE OF POWERS	
4.1	To exercise the council's powers in relation to <b>planning enforcement</b> .	Local ward councillor(s) to be kept informed
4.2	To authorise the service of notice on the owner of any <b>listed building</b> of the council's intention to <b>execute urgent works</b> for the preservation of such building, and to authorise the execution of those works.	Chairman of planning committee
4.3	To issue <b>stop notices and temporary stop notices</b> .	Chairman of the Planning Committee
4.4	To authorise and serve any <b>requisition for information</b> including planning contravention notices.	
5.0	FOOTPATHS AND BRIDLEWAYS	
5.1	To authorise and certify the <b>necessary works</b> for the creation of any footpath or bridleway (S 26 & 27 HA 1980).	
6.0	TREES	
6.1	To make, confirm, vary, modify and / or revoke a <b>tree preservation order</b> (including those in the conservation area) subject to:	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	- where there are objections	Chairman of the planning committee with the local ward councillor(s) being kept informed
6.2	To <b>grant or refuse consent</b> under a tree preservation order to cut down, top, lop, destroy or uproot any trees.	
6.3	To determine notices in relation to <b>trees in conservation areas</b> .	
6.4	To exercise the council's powers relating to <b>dangerous trees</b> (s.23 and 24 of the Local Government (Miscellaneous Provisions) Act).	
7.0	HEDGEROWS	
7.1	To exercise the council's <b>powers</b> relating to hedgerows to include the issuing of any Notices.	Head of legal and democratic services
	- where there are objections	Chairman of the Planning Committee with the local ward councillor(s) being kept informed
7.2	To authorise the service of any <b>high hedges remedial notice</b> , and to authorise works to be carried out in default of compliance with any high hedges remedial notice.	Head of legal and democratic services
8.0	LICENSING	
8.1	To <b>apply to the licensing authority for a review</b> of a premises licence or club premises certificate.	
9.0	BUILDING CONTROL	
9.1	To exercise the council's powers under the <b>Building Act 1984</b> .	

<b>HEAD OF PLANNING</b>		
<b>Ref</b>	<b>Function</b>	<b>Consultation (where applicable)</b>
10.0	DEFECTIVE AND DANGEROUS BUILDINGS AND DEMOLITIONS	
10.1	To authorise and make application to the magistrates' court for an <b>order to demolish</b> or to obviate the danger in respect of dangerous buildings (S.77 BA 1984).	Head of legal and democratic services
10.2	In cases of urgency to take such <b>emergency measures</b> including the service of any notice to make safe any dangerous building and authorise the recovery of any expenses in so doing. (S.78 BA 1984).	Head of legal and democratic services
10.3	To authorise and serve any notice to provide for the <b>satisfactory drainage of any courtyard or passage</b> (BA 1984).	
10.4	To authorise the execution of <b>default works</b> and the recovery of expenses of so doing, including the recovery of expenses by the sale of materials. (S.99-100 BA 1984).	
10.5	To authorise and serve any notice and take all necessary action including default action to deal with <b>dangerous excavations</b> . (S.25 and 26 LG (MP) A 1976).	
10.6	To <b>act as the appointing officer</b> as required by S.10(8) of the Party Wall Act 1996.	
11.0	<b>COMMUNITY INFRASTRUCTURE LEVY</b>	
11.1	To <b>collect Community Infrastructure Levy revenue and calculate the chargeable amount</b> under Regulation 40 of the Community Infrastructure Levy Regulations 2010. Appropriate budgets must be created as follows in accordance with the financial procedure rules: (a) for the administration of Community Infrastructure Levy (5 per cent of the Community Infrastructure Levy revenue) (b) for the town and parish councils (15 or 25 per cent of the Community Infrastructure Levy revenue) (c) for the district council (remainder of the Community Infrastructure Levy revenue).	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
11.2	In accordance to the Community Infrastructure Levy Regulations 59D to <b>make payment to the towns and parishes</b> in respect of the Community Infrastructure Levy revenue received from: (a) 1 April to 30 September in any financial year – payment by 28 October (b) 1 October to 31 March in any financial year – payment by 28 April.	
11.3	To <b>make payments to the towns and parishes</b> in relation to the Community Infrastructure Levy Regulation 59 and 59D and approve payments (by 28 October and 28 April in any financial year) to the relevant receiving town and parish council.	
11.4	To <b>recover</b> Community Infrastructure Levy under Regulation 59E, the reimbursement of expenditure incurred and repayment of loans under Regulation 60, the collection of administrative expenses under Regulation 61, the reporting under Regulation 62 of the Community Infrastructure Levy Regulations 2010.	
11.5	To <b>deal with liability notices</b> under Regulations 31 to 39 of the Community Infrastructure Levy Regulation 2010.	
11.6	To <b>deal with exemptions and reliefs</b> from the Community Infrastructure Levy under Regulations 41 to 45, 47 to 49 to 53, 54 to 54D, 55 to 57 of the Community Infrastructure Levy Regulation 2010.	
11.7	To <b>deal with notices of chargeable development, liability notices, demand notices and infrastructure payments</b> under Regulations 64 to 79 of the Community Infrastructure Levy Regulation 2010.	
11.8	To <b>impose surcharges and interest</b> under Regulations 80 to 88 of the Community Infrastructure Levy Regulation 2010.	
11.9	To <b>deal with Community Infrastructure Levy stop notices</b> under Regulation 89 to 94 of the Community Infrastructure Levy Regulation 2010.	

## Monitoring officer

MONITORING OFFICER		
Ref	Function	Consultation (where applicable)
1.0	CODE OF CONDUCT	
1.1	To receive complaints that a councillor may have failed to comply with the <b>code of conduct</b> and to determine the action to take in dealing with complaints subject to referring a complaint to a panel of the audit and governance sub-committee when considered appropriate to do so.	Independent person
1.2	To establish and maintain a <b>register of members' interests</b> including co-opted members	
1.3	To receive <b>requests for dispensations</b> under section 33 of the Localism Act	



# **Scheme of delegation of the leader of South Oxfordshire council to Cabinet members and officers**

## **Introduction**

1. The Local Government Act 2000 provides that the leader may discharge any executive functions or may arrange for the discharge of any of those functions by the Cabinet, by another member of the Cabinet, by a committee of the Cabinet or by an officer of the council.
2. This scheme of delegation to Cabinet members and to officers is made pursuant to the Local Government Act 2000 and was approved by the leader of the council on 17 December 2015 and came into force immediately. This scheme replaces all previous schemes.
3. The scheme may be amended by the leader of the council at any time during the year. The scheme is subject to the general terms and conditions described below.

## **Terms and conditions**

4. Any decision taken by a Cabinet member under this scheme of delegation shall only be taken having regard to any advice from the strategic director responsible for the relevant function associated with the decision.
5. Any decision which could attract to the council adverse legal consequences shall be taken after consultation with the monitoring officer.
6. Any decision which could attract adverse financial implications shall be taken after consultation with the chief finance (section 151) officer.
7. Where functions may be discharged by a Cabinet member under this scheme of delegation the Cabinet member may arrange for the discharge of any of those functions by an officer of the council.
8. Any Cabinet member exercising any delegated powers under this scheme also has the power to do anything which is calculated to facilitate or is conducive or incidental to the exercise of such delegated powers.
9. Once a Cabinet member has exercised any delegated power under this scheme, he/she shall make a record of the decision which shall include the views of any officer consulted on the issue. The record of the decision shall be forwarded by the Cabinet member or officer immediately to democratic services.

## **Responsibility for executive functions**

10. The following Cabinet members are responsible and are delegated authority to take decisions in respect of the functions and projects set out below until they are amended or withdrawn by the leader in writing.

- Councillor John Cotton: Leader, corporate strategy and strategic policy (including local plan)
- Councillor Anna Badcock: leisure, arts, communications, health and well-being and community safety
- Councillor Elizabeth Gillespie: development management, building control and housing, and grants
- Councillor Will Hall: corporate plan
- Councillor Tony Harbour: waste, grounds maintenance, food safety and environmental health
- Councillor Lynn Lloyd: IT, HR, customer services and corporate services project
- Councillor Jane Murphy: Deputy Leader, finance, legal and democratic services and licensing
- Councillor Robert Simister: property, economic development and technical services

11. I delegate authority to the chief executive to discharge all executive functions and to request any member of the Cabinet to act on behalf of the leader in the leader's and deputy leader's absence.

## **Executive joint committee/partnership appointments**

12. I appoint Cabinet members to the following:

- Oxfordshire Growth Board – John Cotton with all other Cabinet members as substitutes
- Oxfordshire Safer Communities Partnership Board – Anna Badcock
- South and Vale Community Safety Partnership – Anna Badcock

## **Scrap Metal Sub-Committee**

13. I establish a Scrap Metal Sub-Committee (known as a Panel) comprising any three members of the Cabinet, to include the Cabinet member for environmental health if he/she is available, to consider contested applications and authorise the head of legal and democratic services to invite an appropriate panel to conduct a scheduled hearing.

Councillor John Cotton – 17 December 2015



# **Scheme of delegation of the leader of Vale of White Horse council to Cabinet members and officers**

## **Introduction**

1. The Local Government Act 2000 provides that the leader may discharge any executive functions or may arrange for the discharge of any of those functions by the Cabinet, by another member of the Cabinet, by a committee of the Cabinet or by an officer of the council.
2. This scheme of delegation to Cabinet members and to officers is made pursuant to the Local Government Act 2000 and was approved by the leader of the council on 20 July 2016 and came into force immediately. This scheme replaces all previous schemes.
3. The scheme may be amended by the leader of the council at any time during the year. The scheme is subject to the general terms and conditions described below.

## **Terms and conditions**

4. Any decision taken by a Cabinet member under this scheme of delegation shall only be taken having regard to any advice from the strategic director responsible for the relevant function associated with the decision.
5. Any decision which could attract to the council adverse legal consequences shall be taken after consultation with the monitoring officer.
6. Any decision which could attract adverse financial implications shall be taken after consultation with the chief finance (section 151) officer.
7. Where functions may be discharged by a Cabinet member under this scheme of delegation the Cabinet member may arrange for the discharge of any of those functions by an officer of the council.
8. Any Cabinet member exercising any delegated powers under this scheme also has the power to do anything which is calculated to facilitate or is conducive or incidental to the exercise of such delegated powers.
9. Once a Cabinet member has exercised any delegated power under this scheme, he/she shall make a record of the decision which shall include the views of any officer consulted on the issue. The record of the decision shall be forwarded by the Cabinet member or officer immediately to democratic services.

## **Responsibility for executive functions**

10. The following Cabinet members are responsible and are delegated authority to take decisions in respect of the functions and projects set out below until they are amended or withdrawn by the leader in writing.

- Councillor Matthew Barber - Leader, devolution, corporate strategy
- Councillor Eric Batts - Legal and democratic services, community safety, HR, IT and technical services
- Councillor Roger Cox - Deputy Leader, planning (policy and development management)
- Councillor Charlotte Dickson - Leisure, parks, grounds maintenance and waste
- Councillor Mike Murray - Regeneration, economic development and property
- Councillor Robert Sharp - Finance and corporate services contracts
- Councillor Elaine Ware - Housing, environmental health and grants

11. I delegate authority to the chief executive to discharge all executive functions and to request any member of the Cabinet to act on behalf of the leader in the leader's and deputy leader's absence.

12. I delegate authority to officers to discharge executive functions as set out in schedule 1 of the scheme of delegation in part 9 of the constitution.

## **Executive joint committee/partnership appointments**

13. I appoint Cabinet members to the following:

Oxfordshire Growth Board – Matthew Barber with all other Cabinet members as substitutes

Safer Oxfordshire Partnership Oversight Committee – Eric Batts

South and Vale Community Safety Partnership – Eric Batts

## **Scrap Metal Sub-Committee**

14. I establish a Scrap Metal Sub-Committee (known as a Panel) comprising any three members of the Cabinet, to include the Cabinet member for housing and environmental health if he/she is available, to consider contested applications and authorise the head of legal and democratic services to invite an appropriate panel to conduct a scheduled hearing.

Councillor Matthew Barber – 14 October 2016

# Proper officers and authorised officer appointments

1. An officer with line management responsibility for an officer listed in the list of proper officer and authorised officer appointment may exercise the power in the absence of the proper officer/authorised officer. The relevant post holders listed below have been appointed or confirmed as proper officers/authorised officers for the purposes of the adjacent legislative provisions.
2. Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

<b>PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Landlord and Tenant Act 1927</b>	S.23	To serve and receive notice on behalf of the council	Head of corporate strategy
<b>Public Health Act 1936 (as amended)</b>	S.45	Defective sanitary conveniences	Head of corporate strategy
	S.50	Overflowing cesspools	Head of corporate strategy
	S.79	To serve notice to require removal of noxious matter	Head of corporate strategy
	S.83	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of corporate strategy
	S.84 and S.85(2)	To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles	Head of corporate strategy

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.290 – S.191 and S.300	Works in default	Head of corporate strategy
<b>National Assistance Act 1948 (as amended)</b>	S.47	Taking people in need of care and attention to a suitable place	Medical officer/community physician
<b>Prevention of Damage by Pests Act 1949</b>	S.2 – S.7	Control of rats and mice	Head of corporate strategy
<b>National Assistance (Amendment) Act 1951</b>	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical officer/community physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	
<b>Landlord and Tenant Act 1954</b>	S.66	To serve and receive notices on behalf of the council	Head of corporate strategy
<b>Milk and Dairies (General) Regulations 1959 (as amended)</b>	Reg.20	Milk treatment orders	Medical officer/community physician
<b>Public Health Act 1961</b>	S.17	Blocked drains	Head of corporate strategy
	S.34	Accumulation of rubbish	Head of corporate strategy

**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.36	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of corporate strategy
	S.37	Controlling verminous things to include seizing articles	Head of corporate strategy
<b>Local Government Act 1972</b>	S.13 (3)	Appointment as a parish trustee	Head of legal and democratic services
<b>Local Government Act 1972</b>	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Head of legal and democratic services
	S.84 (1)	Receipt of notice of resignation of councillor	Head of legal and democratic services
	S.88 (2) and schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chairman	Head of legal and democratic services
	S.89 (1) (b)	Filling of casual vacancy	Returning officer
	Local Elections (Parishes and Communities) rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning officer
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of legal and democratic services
	S.99	Convening of meetings	Head of legal and democratic services

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.100 and schedule 12A	Access to information	Head of legal and democratic services
	S.100 (except 100D)	Admission of public (including press) to meetings	Head of legal and democratic services
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of legal and democratic services
<b>Local Government (Access to Information) Act 1985</b>	S.100D (1)A	Compilation of lists of background papers	Each head of service for their service area reports
	Section 100D (5)A	Identification of background papers	Each head of service for their service area reports
<b>Local Government Act 1972</b>	S.115 (2)	Receiving money due from officers	Chief finance (section 151) officer
	S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief finance (section 151) officer
	S.151	Financial administration	Chief finance (section 151) officer
	S.173 - S178	Keeping of records of Members' Allowances	Chief finance (section 151) officer
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of planning

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of legal and democratic services
	S.210	To exercise powers in respect of charities	Head of legal and democratic services
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of corporate strategy
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of legal and democratic services
	S.225	Deposit of documents	Head of legal and democratic services
<b>Local Government Act 1972</b>	S.228	Inspection of documents	Head of legal and democratic services
	S.228(3)	Accounts for inspection by any member of the council	Chief finance (section 151) officer
	S.229(5)	Certification of photographic copies of documents	Head of legal and democratic services
	S.234	Authentication of documents	Head of legal and democratic services / senior lawyer

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of legal and democratic services
	S.238	Certification of byelaws	Head of legal and democratic services
	S.248	Keeping a list of Freemen	Head of legal and democratic services
	S.251 and schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of legal and democratic services
	S.270	Except in the case of financial powers or matters, to act as the proper officer in respect of any other statute where specific arrangements have not been made in the scheme	Head of legal and democratic services
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of legal and democratic services
<b>Local Government Act 1972</b>	<b>Schedule 12 para 4 (2) (b)</b>	Signing of summons to Council meeting	Head of legal and democratic services



**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	<b>Schedule 12</b> para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Head of legal and democratic services
	<b>Schedule 14</b> Para 25	Certification of resolution passed under this paragraph	Head legal and democratic services
	<b>Schedule 16</b> Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of planning
	<b>Schedule 16</b> S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of planning
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of planning
	<b>Schedule 16</b>	Receipt of deposit lists of protected buildings	Head of planning
	<b>Schedule 29</b>	Adaptations, modifications and amendments of enactments.	Head of legal and democratic services
	Part VA	Access to information	Head of legal and democratic services
<b>Health and Safety at Work Act 1974</b>	S.19 – S.25 / 39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Head of corporate strategy

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Local Government Act 1974</b>	S.30 (5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are available	Chief executive
<b>Control of Pollution Act 1974</b>	S.60 – S.61	Construction site noise	Head of corporate strategy
<b>Local Land Charges Act 1975</b>	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of legal and democratic services
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	S.16	Requests to obtain particulars of persons interests in land	Heads of service
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of legal and democratic services
<b>Local Authorities Cemeteries Order 1977 (as amended)</b>	Article 10	To sign exclusive rights of burial	Head of corporate strategy
<b>Refuse Disposal (Amenity) Act 1978 (as amended)</b>	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of corporate strategy
<b>Local Government (Miscellaneous Provisions) Act 1982</b>	S.13 – S.17	Skin piercing	Head of corporate strategy

**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.27	Repair of drains, private sewers etc.	Head of HR, IT and technical services
	S.35	Blocked private sewers	Head of HR, IT and technical services
<b>Local Government (Miscellaneous Provisions) Act 1982</b>		Control of sex establishments	Head of legal and democratic services
<b>Representation of the People Act 1983</b>	S.28	Acting returning officer at Parliamentary Elections	Returning officer
	S.67(1)	Receipt of appointment of election agents	Returning officer
	S.67(6)	Publication of names and addresses of agents	Returning officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning officer
	S.81(1)	Receipt of return of election expenses	Returning officer
	S.82(1)	Receipt of declaration of election expenses	Returning officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning officer
	S89(3)	Copy and inspections of returns and declarations.	Returning officer

**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.131	Providing accommodation for holding election count	Returning officer
<b>Building Act 1984</b>	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of planning
	S.64 – S.65	Replacement of sanitary conveniences	Head of planning
	S.78	To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings.	Head of planning
	S.84	Paved yards	Head of planning
	S.93	Authentication of documents	Head of planning
<b>County Courts Act 1984</b>	S.60(2)	Rights of audience in the County Court before district judge	Head of legal and democratic services
<b>Public Health (Control of Disease) Act 1984</b>	S.11	Cases of notifiable disease and food poisoning to be reported	Medical officer/ community physician
	S.11	To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of corporate strategy

**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of corporate strategy
	S.20	Stopping of work to prevent spread of disease	Medical officer/community physician
	S.21	Exclusion from school of child liable to convey notifiable disease	Medical officer/community physician
<b>Public Health (Control of Disease) Act 1984</b>	S.22	List of day pupils at school having case of notifiable disease	Medical officer/community physician
	S.23	Exclusion from places of entertainment	Medical officer/community physician
	S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of corporate strategy
	S.25	Library books	Head of corporate strategy
	S.26	Infectious matter not to be placed in dustbins	Head of corporate strategy
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical officer/community physician

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.31	Certification by officer of need for disinfection of premises	Head of corporate strategy
	S.32	Certification by officer of need to remove person from infected house	Head of corporate strategy
	S.34	Duty of owner etc. of public conveyance	Head of corporate strategy
	S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical officer/community physician
<b>Public Health (Control of Disease) Act 1984</b>	S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical officer/community physician
	S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical officer/community physician
	S.38	To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease	Medical officer/community physician
	S.39 – S.40	Getting a warrant to examine residents of a common lodging house	Medical officer/community physician

**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical officer/community physician
	S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical officer/community physician
	S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical officer/community physician
	S.49 – S.51	Regulations concerning canal boats	Head of corporate strategy
<b>Public Health (Control of Disease) Act 1984</b>	S.59	Authentication of documents relating to matters within his province	Medical officer/community physician
	S.61	Power of entry	Medical officer/community physician
<b>Food Act 1984</b>	S.8	Enforcement of provision relating to working conditions	Head of corporate strategy

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of corporate strategy
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of corporate strategy
<b>Housing Act 1985</b>	S.265	Demolition Order	Head of corporate strategy
	S.289	Clearance Area Declaration	Head of corporate strategy
	S.300	Determination to Purchase	Head of corporate strategy
<b>Local Elections (Principal Area) Rules 1986</b>	All	All functions	Returning officer / electoral registration officer
<b>Local Elections (Parishes and Communities) Rules 1986</b>	rules 46, 47 and 48	Keeping documents after and election and making them available for the public to look at	Returning officer / electoral registration officer
<b>Public Health (Infectious Diseases) Regulations 1988</b>	Reg.6	Special reporting of infectious diseases	Medical officer/community physician
	Reg. 8	Statistical returns	Medical officer/community physician
	Reg.9	Prevention of spread of disease	Medical officer/community physician
	Reg.10	Immunisations and vaccination	Medical officer/community physician



**PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	Reg.11	Measures against rats	Medical officer/community physician
	schedule 3	Typhus and relapsing fever	Medical officer/community physician
	schedule 4	Food poisoning and food borne infections	Medical officer/community physician
<b>Local Government and Finance Act 1988</b>	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial administration of the council's affairs	Chief finance (section 151) officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the chief finance officer under this Act	Head of paid service
<b>Local Government and Housing Act 1989</b>	S.2(4)	Maintenance and review of the council's List of Politically Restricted Posts	Head of paid service
	S.4	Functions as head of paid service.	Head of paid service
	S.5	Functions of monitoring officer within the meaning of this section of the Act	Monitoring officer
	S.15 - 17	Allocating seats on committees	Head of legal and democratic services

<b>PROPER OFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	S.18	Arrangements in respect of the scheme of members' allowances	Chief finance (section 151) officer / head of legal and democratic services
	S.19	Arrangements in respect of the register of members' interests	Head of legal and democratic services
	Part 7	Declaration of renewal areas	Head of health and housing
<b>Environmental protection Act 1990 (as amended)</b>	S.6 – S.15	Prescribed processes	Head of corporate strategy
	S.78	Contaminated land	Head of corporate strategy
	S.79 – S.82	Statutory nuisance	Head of corporate strategy
	S.88	Fixed penalty notices for leaving litter	Head of corporate strategy
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of corporate strategy
<b>Food Safety Act 1990</b>	S.9	Seizure of food	Head of corporate strategy
	S.29 – S.30	Sampling food	Head of corporate strategy
	S.11, S37 – S.39	Improvement / prohibition notices	Head of corporate strategy
	S.49(3)	To sign documents on behalf of the authority	Head of corporate strategy
<b>Town and Country Planning Act 1990</b>	S.215	Waste land	Head of planning

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Local Government (Committees and Political Groups) Regulations 1990</b>	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of legal and democratic services
<b>Water Industry Act 1991</b>	S.80 – S.83	Private water supply	Head of corporate strategy
<b>Clean Air Act 1993</b>	S.1 – S.2	Prohibition of dark smoke	Head of corporate strategy
	S.51 and S.56	To exercise all functions conferred by these sections	Head of corporate strategy
<b>Criminal Justice and Public Order Act 1994</b>	S.77 – S.80	Removal of unauthorised encampments	Head of corporate strategy
<b>Environment Act 1995</b>	S.80	Local air quality management	Head of corporate strategy
	S.84	Air quality management areas	Head of corporate strategy
<b>Dogs (Fouling of Land) Act 1996</b>	S.4	To issue fixed penalty notices	Head of corporate strategy
<b>Noise Act 1996 (as amended)</b>	S.8	Fixed penalty notices in respect of noise nuisance	Head of corporate strategy
<b>Party Wall Act 1996</b>	S.10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Head of planning
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head of planning

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Local Government (Contracts) Act 1997</b>	S.3	Signing certificates in respect of certified contracts	Head of legal and democratic services
	S.4	To maintain a register of certificates in respect of certified contracts to be open to public inspection	Head of legal and democratic services
<b>Data Protection Act 1998</b>	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of HR, IT and technical services
<b>Crime and Disorder Act 1998</b>	S.5	To work in partnership with the police and other responsible bodies to reduce crime	Head of legal and democratic services
	S.17	To consider crime and disorder implications of any decisions	Head of legal and democratic services
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of legal and democratic services
<b>Local Government Act 2000</b>	S.34	Determine whether a petition is valid	Electoral registration officer
	S.99 and S.100	Regarding members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances (England) Regulations 2003.	Head of legal and democratic services

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
	Various	Dealing with the holding of referendums	Returning officer / electoral registration officer
		All other responsibilities in the Act and any subordinate legislation	Head of legal and democratic services
<b>Local Government Act 2000: Section 22: The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>		All proper officer responsibilities under these regulations, including: publishing forthcoming executive key decisions, exception notices, agendas, reports and related documents, excluding exempt/confidential information, and recording executive decisions.	Head of legal and democratic services
<b>Freedom of Information Act 2000</b>	S.36	Application from exemption disclosure	Monitoring officer
	All others	All responsibilities associated with the act	Head of HR, IT and technical services
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorise the use of covert human intelligence sources under the Act	Strategic directors / heads of service

<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)</b>	Reg. 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under S.34 of the Local Government Act 2000	Electoral registration officer
	Reg.8 and all others	Amalgamation of petitions	Electoral registration officer
<b>Local Authorities (Model code of conduct) (England) Order 2001</b>	schedule 1 para 17	Establish and maintain a register of gifts and hospitality received by members	Monitoring officer
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>	schedule 1 Part II	Giving notice of appointments and dismissal of officers to the Cabinet in accordance with the Regulations	Head of HR, IT and technical services
<b>Private Security Industry Authority Act 2001</b>		Enforcement of actions by licensed door supervisors	Head of legal and democratic services
<b>Criminal Justice and Police Act 2001</b>	S.19(2)	Power of closure where the sale of alcohol if not in accordance with any authorisation	Head of legal and democratic services
<b>The Representation of the People (England and Wales) (Amendment) Regulations 2002</b>	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Electoral registration officer

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Money Laundering Regulations 2003</b>	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief finance (section 151) officer
<b>Anti-Social Behaviour Act 2003 (as amended)</b>	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of corporate strategy and head of legal and democratic services
	S.43	To issue penalty notices for graffiti and flyposting	Head of corporate strategy
<b>Accounts and Audit Regulations 2003</b>	All Regs	All responsibilities	Chief finance (section 151) officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the chief finance officer is unable to act
<b>Housing Act 2004</b>	S.239	Determining if a survey or examination is necessary	Head of corporate strategy
	Part 1	Enforcement of Housing Standards	Head of corporate strategy
	Part 2	Licensing of Houses in Multiple Occupation	Head of corporate strategy
	Part 3	Selective licensing of residential accommodation	Head of corporate strategy

**PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS**

<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Housing Act 2004</b>	Part 4	Additional controls in relation to residential accommodation	Head of corporate strategy
	Part 6	Other provisions about housing	Head of corporate strategy
	Part 7	Supplementary and final provisions	Head of corporate strategy
<b>The Clean Neighbourhoods and Environment Act 2005</b>	Part 2	Nuisance parking	Head of corporate strategy
	Part 3	Litter	Head of corporate strategy
	Part 4	Fly posting	Head of planning
	S.59	Dog control fixed penalty notices	Head of corporate strategy
<b>Food Hygiene Regulations 2006</b>	Reg.6	Hygiene improvement notice	Head of corporate strategy
	Reg.7	Hygiene prohibition orders	Head of corporate strategy
	Reg.8	Hygiene emergency prohibition orders	Head of corporate strategy
	Reg.9	Remedial action/detention notice	Head of corporate strategy
	Reg.12	Food sampling	Head of corporate strategy
	Reg.14	Powers of entry	Head of corporate strategy
	Reg.17	Food premises registration	Head of corporate strategy



<b>PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS</b>			
<b>Legislation/ Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper officer/ authorised officer</b>
<b>Smokefree (Premises and Enforcement) Regulations 2006</b>		Enforcing smokefree legislation in premises and vehicles	Head of corporate strategy
<b>Criminal Justice and Police Act 2006</b>	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti-social behaviour	Head of legal and democratic services
	S.22	To share depersonalised data	Head of legal and democratic services
<b>Localism Act 2011</b>	S29	Establishment and maintenance of the register of members' Interests including co-opted members	Monitoring officer
<b>Localism Act 2011</b>	S33	To receive requests for dispensations under section 33 of the Act	Monitoring officer

The Chief finance (section 151) officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The head of legal and democratic service shall act as the proper officer for any other legislative provisions where specific arrangements have not been made under this scheme.

**PART 3: CODES, PROTOCOLS AND  
FINANCIAL, CONTRACTS, OFFICER  
EMPLOYMENT, AND BUDGET AND  
POLICY FRAMEWORK PROCEDURE  
RULES**

# Financial Procedure Rules

## INTRODUCTION

### APPLICATION AND PURPOSE

1. The financial procedure rules set out how the council's financial affairs are to be managed. All councillors and officers, and any person acting on behalf of the council, shall comply with these rules and any procedures setting out their detailed application.
2. Procedures setting out the detailed application of the rules may be issued by the chief finance officer.
3. The financial procedure rules form part of the council's constitution and are to be read in the context of the council's objectives as set out in its corporate plan and corporate development plan.
4. In circumstances deemed exceptional, the chief finance officer may waive one or more of these financial procedure rules at the request of a councillor or manager. The waiver must be confirmed in writing before implementation.
5. Heads of service shall ensure that: the financial procedure rules are brought to the attention of all their staff; their staff are adequately trained in their use. All officers have a fiduciary duty to the local taxpayer and for the effective and efficient stewardship of any public funds under their control.

### DEFINITIONS

6. In these Rules:

*"Cabinet"* means the body appointed to exercise executive functions in accordance with Article 7 of the constitution.

*"Chief Executive"* means the person appointed by the council as the Council's head of paid service.

*"Chief Finance Officer"* means the officer responsible for financial affairs of the Council under s.151 of the Local Government Act 1972 and s.114 of the Local Government Finance Act 1988. It includes the officer nominated by him/her to act in his/her absence and any officer of his/her staff acting on his/her behalf.

*"Council"* means the South Oxfordshire District Council/Vale of White Horse District Council, or any body or person acting on its behalf under the constitution or delegated authority.

*"Full Council"* means a meeting of the full Council.

*"Head of service"* means a person appointed by the council to a post of head of service, or any member of his/her staff who is acting under delegated authority

from their head of service. It includes strategic directors and the chief executive when they act in the manner of a head of service, for example as a cost centre manager, or instead of a head of service within their portfolio.

“*Strategic management board*” means the body comprising the chief executive and strategic directors.

“*monitoring officer*” means the person appointed by the council for the purposes of s5 of the Local Government & Housing Act 1989, or the person nominated to act in his/her absence.

“*Relevant Cabinet member*” means the member of the Cabinet who has responsibility for that particular function.

“*Scrutiny Committee*” mean the committee set up under Article 6 of the constitution.

“*Strategic Director*” means a person appointed by the council to a post of strategic director within the council’s strategic management board.

## **RESPONSIBILITIES FOR FINANCIAL MATTERS**

7. The full Council is responsible for approving the following:
  - (a) The medium term financial strategy – South only.
  - (b) The medium term financial plan.
  - (c) The revenue budget and council tax requirement.
  - (d) The capital programme.
  - (e) The borrowing limits and prudential indicators
  - (f) The tax base.
  - (g) The council tax.
  - (h) The treasury management strategy incorporating the annual investment strategy.
  - (i) The treasury management mid-year report.
  - (j) The treasury management outturn report.
  - (k) The financial procedure rules.
8. The Cabinet shall make recommendations to full Council on those matters referred to in the preceding paragraph apart from the council tax and the financial procedure rules.
9. The Cabinet has overall responsibility for the implementation of the council’s financial strategies and spending plans, and is authorised to make financial decisions subject to these being consistent with the budget and policy framework and the constitution.
10. The chief finance officer is responsible for the overall management of the financial affairs of the council.

11. The chief finance officer shall determine all financial systems, procedures and supporting records of the council (whether held on paper or electronically), after consultation with the relevant head of service. Any new or amended financial systems, procedures or practices shall be agreed with the chief finance officer before they are implemented.
12. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.
13. The chief executive, strategic directors and heads of service shall consult with the head of finance and head of legal and democratic services on the financial and legal implications respectively, of any report that they are proposing to submit to the full Council, a committee (or sub-committee) or the Cabinet.

### **Delegation of responsibilities for financial matters**

14. In the absence of the chief finance officer, or if he/she is unable to act, then his/her nominated deputy shall be empowered to act on his/her behalf in relation to these rules.
15. In the absence of a head of service any officer within his/her team that has been nominated by him/her shall be empowered to act on his/her behalf in relation to these rules.
16. The strategic director with portfolio responsibility for a service is empowered to act instead of the head of service, and may require a head of service to consult him/her before taking any decision under these rules.
17. In cases of urgency two members of the council's strategic management board (including, if they are not members of the strategic management board, the chief finance officer and monitoring officer) acting jointly shall be empowered to act instead of another officer in relation to these rules.

### **Accounting arrangements and procedures**

18. The chief finance officer will determine the form and standard of all financial records, statements and accounts consistent with statutory requirements and professional standards.
19. The chief finance officer will provide or approve systems, procedures, instructions and guidance to each head of service to enable them to carry out their financial duties in an acceptable way. Each head of service must follow such systems, procedures, instructions and guidance and may not rely on any other systems and procedures unless the chief finance officer has agreed to alternatives.
20. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.

21. The chief finance officer will produce an annual statement of accounts and Whole of Government Accounts, and any other financial information required by statute. Each head of service must provide the chief finance officer with any information that he/she needs to enable the council's accounts to be closed in accordance with the timetable for the production and audit of the accounts.

## **Audit**

22. All the activities of the council are subject to both internal and external audit.

### **Internal audit**

23. In accordance with the Accounts and Audit Regulations 2003, the chief finance officer shall maintain an adequate and effective system of internal audit to carry out a continuous and independent appraisal of all the Council's activities, financial and otherwise. This function shall operate in accordance with professional standards.

24. The internal audit team shall undertake a cyclical review of all financial systems throughout the council under the direction of the chief finance officer, who shall determine the appropriate level of audit coverage.

25. It shall be the specific responsibility of internal audit to review, appraise and report upon:

- (a) the soundness, adequacy and application of financial and other management-related controls;
- (b) the extent of adherence to, the relevance and the financial effect of management's policies and directives and compliance with other relevant procedures, legislation and regulations;
- (c) the extent to which the council's assets and interests are accounted for and safe-guarded from losses, which include fraud and other offences, waste, extravagance and inefficient administration, poor value for money and other causes;
- (d) the economical, efficient and effective use of resources; and
- (e) the suitability, integrity and reliability of financial and other related management data developed within the council.

26. Internal audit will advise heads of service and the strategic management board on such matters as risk assessment and systems of check and control in order that heads of service maintain appropriate internal controls within their financial and administrative systems to ensure that the council's resources are properly applied in the manner and on the activities intended.

27. Heads of service shall consider internal audit reports and provide a response within an agreed timescale. Heads of service shall implement agreed recommendations unless they can demonstrate satisfactory alternative arrangements.

28. The internal audit manager (following approval from the chief finance officer, a member of the strategic management board or chief executive) has the authority to:

- (a) enter at all reasonable times any council premises or land;
- (b) subject to any legislative constraints, have access to all records, documents and correspondence, and data in computer systems relating to any financial or other transactions of the council as appear to him/her to be necessary to fulfil his/her responsibilities. This includes the possessing or taking copies of any record, document or correspondence;
- (c) require and receive such information or explanations from any relevant person as are necessary concerning any matter under examination or in the discharge of his/her responsibilities;
- (d) require any relevant person to produce cash, stores or any other council property under their control; and
- (e) examine any accounts or records not covered by the above but relating to funds managed by any relevant person arising out of his/her employment with the council.

29. In rule 28(c) “any relevant person” means a councillor or officer of the council, or any organisation or person acting on behalf of the council.

30. The internal audit manager shall be entitled to report directly to any level of management, the Cabinet or any committee, in his/her own name.

31. Internal audit will liaise with the external auditors to maximise the efficiency of both services provided to the council.

## **External audit**

32. The council’s accounts, financial records, operations and systems shall be audited annually in accordance with best audit practice and the audit regime as determined by the council’s external auditor in accordance with regulations and statutory requirements.

33. The external auditor’s management letter and reports shall be issued and considered in accordance with the agreed protocol.

## **Fraud and irregularities**

34. Heads of service shall establish and maintain adequate systems of internal control and check for the prevention and detection of fraud and other illegal acts.

35. Any relevant person (as defined in rule 29) shall notify the chief finance officer or internal audit manager immediately of any financial or accounting irregularity, or suspected irregularity, or of any circumstances which may suggest the possibility of such loss or irregularity, including those affecting cash, stores, property, remuneration or allowances.

36. Procedures designed to frustrate and prevent any attempted fraudulent or corrupt act are contained in the council's anti-fraud and corruption strategy issued in accordance with rule 2 of these rules. The process for staff to notify any suspicions to management and how management should respond are contained in the council's whistle-blowing and, anti-fraud and corruption response plans.

### **Officers authorised to approve financial documents**

37. The heads of service shall determine who is authorised to approve/sign financial documents on their behalf.

38. Each head of service shall provide the chief finance officer with the names, and specimen signatures where appropriate, of officers authorised to approve, certify or sign financial documents either in paper form or electronically. The chief finance officer shall maintain a register of all such officers. Any changes of authorised officers must be promptly notified to the chief finance officer.

39. Authorised signatories shall sign in their own name and not sign in the name of their head of service. The use of facsimile signature stamps is not permitted on paper based returns.

### **Banking arrangements, electronic, cheque and credit card payments**

40. All arrangements with the council's bankers shall be made by the chief finance officer, who shall be authorised to open and operate such bank accounts, or arrange such other services as the council requires, and to give directions to the bank as shall be necessary for the making of payments on behalf of the council and for the deposit of monies received by the council.

41. No bank account, account with an institution similar to a bank, credit card facility or other arrangement for credit shall be opened in the name of the council or establishments of the council except by or with the prior approval of the chief finance officer.

42. All cheques shall be ordered only on the authority of the chief finance officer, who shall make proper arrangements for their safe custody.

43. Cheques on the council's bank accounts (including National Giro accounts) shall either bear the facsimile signature of the chief finance officer or be signed personally by the chief finance officer or officers authorised by him/her to do so. Additionally all cheques over the sum of £10,000 shall be personally countersigned by the chief finance officer or such officer as may be specifically authorised by him/her to do so. Any electronic payments over the sum of £10,000 shall be authorised by any authorised signatory to the originating account. The method of authorisation will be in accordance with chief finance officer's instructions.

44. All payments by cheque shall be made on a drawings or disbursements account to which transfer shall be made as and when required. Payments by electronic



fund transfer shall be in accordance with procedures approved by the chief finance officer.

45. Request for payments by any other method must be approved by the head of finance. Officers must not set up direct debit or standing order payments without the prior consent of the head of finance.
46. It shall be an instruction to the council's bankers that no overdraft shall be allowed on the drawings and disbursements accounts. Overdrafts may be negotiated on the council's general account in accordance with arrangements approved by the head of finance.
47. All authorisations to transfer sums between accounts shall be signed (or authorised electronically) by the head of finance or such officer as may be specifically authorised by him/her to do so.
48. Any monies received must be paid without delay to the council's bank, or as the head of finance directs. Unless there is specific written authority from the head of finance no deductions shall be made from monies received. Under no circumstances may personal cheques of councillors or employees of the council be cashed out of monies held on behalf of the council. (See also the financial procedure rules re Income).
49. Council credit cards must only be used in accordance with guidance issued by the head of finance.

### **Borrowing, leasing and other financial arrangements**

50. The borrowing powers of the council shall be exercised only in accordance with:
  - (a) the policies of the council;
  - (b) the borrowing limits and prudential code set by the full Council;
  - (c) procedures determined by the chief finance officer
51. The chief finance officer shall be notified promptly of all proposed arrangements for the acquisition of property, vehicles or equipment which are to be financed by way of any credit, finance or operating lease.
52. All borrowing, leasing, finance and credit arrangements, will be effected by the head of finance.
53. The council's investments will be managed in accordance with the approved treasury management strategy.

### **Claims for grant or subsidy and financial returns**

54. Each head of service shall make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. (See also the financial procedure rules re Income)

55. It shall be the duty of each head of service to prepare, and the responsibility of the chief finance officer or nominated deputy to certify and otherwise deal with, all claims for grants or subsidy and other financial returns required by Government departments and other bodies or organisations.

## **Contracts**

56. The management and administration of contracts shall be in accordance with the council's contracts procedure rules.

## **Estates and asset management**

57. The head of economy leisure and property shall maintain an up-to-date terrier system of all land and physical property owned or controlled by the council or in which the council has an interest. The register will detail:

- the legal powers used for acquisition (if known);
- the purpose for which the property is held;
- description;
- location and plan reference;
- area/size of land/property;
- the council's interest in the land/property, e.g. freehold/leasehold;
- purchase details;
- rents and other charges payable;
- any restrictive covenants;
- particulars of tenancies or other interests granted; and
- maintenance of the land and property.

58. The head of economy leisure and property is responsible for the valuation of all of the land and property in accordance with the Chartered Institute of Public Finance Accounting code of Practice on Local Authority Accounting in the UK.

59. The head of economy leisure and property is responsible for keeping a fixed asset register which shall identify the value of all of the physical assets recorded in the council's accounts (including land and property). The fixed asset register will be kept in a form that will be agreed with the chief finance officer and in accordance with the relevant accounting code of practice. The head of finance is responsible for calculating capital charges and depreciation charges for all properties for which purpose the head of economy leisure and property shall supply to him/her such details as required by him/her of the financial implications of any purchase, disposal, revaluation, reclassification or holding of land or property on the council's behalf.

60. The head of legal and democratic services shall have custody of all title deeds and keep them under secure arrangements.

61. Disposals of surplus land and property with an estimated book value of up to £10,000 can be authorised by a head of service. Consultation with the relevant Cabinet member is required for disposals of land and property with a book value

between £5,000 and £10,000. Above that value disposals must be authorised by the relevant Cabinet member or the Cabinet. Before deciding whether to dispose of land or property the head of service, relevant Cabinet member or Cabinet shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value. For all disposals an initial valuation must be provided by a qualified valuer: if the likely value exceeds £100,000 this must be supplemented by a second, external valuation. Unless otherwise agreed by the chief finance officer and monitoring officer, all disposals with an estimated value over £5,000 shall be put on the open market and competitive bids sought from as many interested parties as is commensurate with the estimated value and intended use. All disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member. Except where a general consent exists, specific consent shall be obtained from the Secretary of State where required, prior to the disposal of an interest in land or property for less than the best consideration reasonably obtainable.

62. The head of economy leisure and property shall notify the chief finance officer of all cases where steps are necessary to prevent or investigate loss of or damage to physical property not belonging to the Council but in its control.

### **Financial planning**

63. The head of finance shall co-ordinate, monitor and report on the council's financial plans in accordance with the council's financial policies and as determined by the chief finance officer.
64. Heads of service shall prepare, monitor and report on financial plans for the services for which they are responsible in consultation with the head of finance

### **Budgets**

65. The head of finance shall prepare consolidated estimates of income and expenditure on revenue and capital accounts and any special funds maintained by the council, and shall submit these to the Cabinet.
66. The Cabinet will consider on an annual basis:
- (a) the estimates of proposed revenue income and expenditure for the ensuing year together with a review of the current year's revenue income and expenditure;
  - (b) the medium term financial plan;
  - (c) the proposed programme of capital expenditure, including how such expenditure will be financed and estimates of any revenue income or expenditure that will arise;
  - (d) the estimates of income and expenditure to be met from any special funds in the ensuing year.
67. The Cabinet shall, after any necessary consultation and after receiving reports from the relevant heads of service, chief finance officer and chief executive,

consider these financial plans and make recommendations on them to the full Council.

68. Approval of the revenue estimates by full Council authorises officers to incur expenditure as detailed in the estimates subject to compliance with all requirements of the council's constitution.
69. South only: only full Council can approve the addition of a scheme to the provisional capital programme. In doing so council approve the funding of the scheme.
70. South only: expenditure on a capital scheme cannot commence until Cabinet has approved the scheme be transferred from the provisional to the approved capital programme. Heads of service are authorised to incur expenditure on schemes within the approved part of the programme.
71. Vale only: approval of the capital estimates by full council authorises officers to incur expenditure as detailed in the capital programme subject to compliance with all requirements of the council's constitution.
72. Once set by council, budgets can be changed in one of three ways: by virement, by supplementary estimate, and by an approved carry forward request.

### **Section 106 and community infrastructure levy (CIL) income and related expenditure**

73. The head of planning shall be responsible for negotiating and gaining the relevant approval for section 106 agreements. Receipt of a section 106 or CIL income does not confer the power to spend. Appropriate budgets must be created in accordance with the financial procedure rules to give heads of service authority to incur expenditure on schemes funded from section 106 or CIL income. Part 2 of this constitution sets out delegations to the head of planning relating to the community infrastructure levy.
74. For section 106 or CIL agreements that provide clear and unambiguous details on how the receipts raised must be used, where that agreement has been approved by the Planning Committee and over which further discretion cannot be applied then the strategic management board (SMB) can request the creation of the relevant revenue or capital budget.
75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:
  - (a) For agreements of up to £20,000 budgets can be approved by the senior management board.
  - (b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.

- (c) For agreements of greater than £100,000 budgets must be approved by Council.

## **Budgetary control**

76. Heads of service are responsible for controlling and monitoring income and expenditure within the service areas and capital projects for which they are responsible.
77. The head of finance shall make available to each head of service periodic statements comparing actual and budgeted income for the service areas each head of service is responsible for.
78. Heads of service shall promptly notify the head of finance of any actual variance or forecast variance from an overall (“bottom-line”) budget for a cost centre or capital project for which they are responsible.
79. On a quarterly basis heads of service will report their projected estimate of outturn income and expenditure against their revenue and capital budgets for those service areas for which they are responsible. In addition heads of service will provide explanations for any projected variation to budget as requested by the head of finance.
80. Any variance, or forecast variance, from a revenue cost centre or capital project budget of more than £50,000 shall be reported in the budget monitoring report. Budget monitoring reports as at 30 September and 31 December will published in the weekly information sheet/Vale information sheet.

## **BUDGET MOVEMENTS WITHIN A YEAR**

81. Where a budget is moved between cost centres or capital projects but it is used for the purpose it was originally created this is known as a budget transfer. All budget transfers must be approved by the head of finance or an accountancy manager.
82. Where a budget is moved between cost centres or capital projects so that it can be used for a purpose other than which it was originally created this is known as a budget virement which must comply with the following rules.
83. All new expenditure as a consequence of virements must be in accordance with the council’s corporate objectives, strategies and policies.
84. All virements must be made and notified to accountancy in advance of expenditure being incurred.
85. Heads of service may vire (move) budgets within a year and within the revenue cost centres for which they are accountable provided this does not create a new financial liability for a future financial year. If this results in a significant change in the standard or level of the service or the introduction of a new service this requires approval of the relevant strategic director.

86. The chief finance officer in consultation with the relevant heads of service and strategic directors, may vire budgets of up to £20,000 or 5% of the total relevant budget (whichever is the greater) within a year and between any revenue budgets or between budgets for capital projects. The Cabinet may vire budgets of up to £100,000 within a year and between any revenue budgets or budgets for capital projects.
87. Budget virements in excess of these limits, or virements in a year which also commit the council to additional expenditure in future years, shall only be made by full Council.

#### BUDGET MOVEMENTS BETWEEN YEARS

88. The estimated cost of any revenue or capital project for which one-off budgetary provision has been approved may be carried forward to the following financial year, subject to:
- (a) the amount carried forward not exceeding the underspend on the relevant revenue cost centre or capital project; and
  - (b) the approval of the head of finance who shall maintain a record of such approvals.

#### SUPPLEMENTARY ESTIMATES

89. A supplementary estimate is where a budget is created in-year funded from outside existing general fund budgets e.g. from reserves, new or additional government grant.
90. The chief finance officer in consultation with the relevant strategic directors and Cabinet members may agree requests for revenue supplementary estimates of up to £20,000. Requests for revenue supplementary estimates in excess of £20,000 shall be made to the Cabinet which shall seek the approval of full Council if the amount exceeds £100,000, or if the total of revenue supplementary estimates in the year would exceed £250,000 should the request be agreed. For the purpose of these limits supplementary estimates for expenditure that is to be met from an existing grant that has been increased are to be ignored provided the additional income is used for the same purpose as the original grant.
91. The leader of council in consultation with the chief executive and chief finance officer may increase the revenue or capital budget after considering a request from the relevant head of service where the council has:
- (a) Received government grant outside of the usual budget setting cycle for which no budget exists.
  - (b) Received additional income for fees and charges that has led to additional costs that require a budget to give authority to spend.
  - (c) Received additional income from insurance claims.

In all instances a budget no greater than the increase in income can be created.

92. South only: Schemes within the provisional part of the capital programme can be transferred into the approved programme by a decision of a Cabinet member. Schemes may only be added to the provisional part of the programme by full Council. The head of finance may add schemes directly into the approved capital programme where they are fully funded by government grants.

Vale only: The head of finance may add schemes directly into the capital programme where they are fully funded by government grant.

93. The advice of the chief finance officer shall be sought before any consideration of a request for a supplementary estimate.

94. In cases of urgency the Cabinet, or officers discharging Cabinet functions, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in rule 90 if it is not practical to convene a quorate meeting of the full Council; and the chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.

95. In cases of disaster or emergency, and with the agreement of the leader and the chairman of the Scrutiny Committee (where this is possible) strategic directors, with the approval of the chief finance officer, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in rule 90. The chief finance officer shall report such approvals to the next meetings of the Cabinet and Scrutiny Committee. In the absence of the chief finance officer this authority shall only be available to the chief executive in consultation with the chief finance officer's nominated deputy.

## **Gifts and hospitality**

96. The Council has introduced a scheme whereby officers record gifts with a value above £25 and hospitality offered during the course of their duties. Detailed guidance notes are contained in the council's code of practice on gifts and hospitality.

## **Income**

### **COLLECTION ARRANGEMENTS**

97. Arrangements for the collection of all sums due to the council and for the prompt and proper accounting for all cash, including its collection, custody, control and deposit shall be determined by the head of finance.

98. Each head of service shall promptly raise debtor accounts within the council's accounts receivable system for all work done, goods supplied and services rendered within their service.

99. The head of finance shall be notified promptly of all money due to the council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the council; and shall have the right to inspect any documents or other evidence in this connection as he/she may decide.

100. Each head of service is required to make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. The head of finance shall determine the accounting records to be maintained by each head of service to record income and expenditure of the council in relation to the claims made.
101. Heads of service shall in consultation with the relevant Cabinet member, and within the budget setting parameters and any overall parameters agreed by the council, review all fees and charges for goods and services provided at least annually.
102. The head of finance is responsible for the arrangements for the collection of miscellaneous income due to the council. Each head of service should normally use the council's accounts receivable (debtors) system or cash collection arrangements, or establish their own arrangements (which shall be subject to the approval of the head of finance). Accounts raised must require payments to be made to the council.
103. Each head of service must ensure that there are appropriate procedures for raising accounts, monitoring receipts and following up unpaid bills. Income and VAT must be accounted for correctly in both the council's accounts receivable (debtors) system and any other systems.
104. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate head of service or such member of staff specifically designated by him/her for that purpose.
105. Heads of service shall advise the head of legal and democratic services of debts that have remained unpaid with a view to the commencement of legal proceedings in accordance with the council's corporate debt and recovery strategy.
106. No amount due to the council shall be discharged otherwise than by payment in full, or by writing-off the whole amount due, or an unpaid portion thereof.

## **Write offs**

107. Sums due to the council shall not be written off other than in accordance with the scheme of delegation.
108. Where sums are written off under delegated powers these shall be recorded in a register in a form determined by the head of finance.

## **Insurance and risk management**

109. Each head of service must take all reasonable steps to prevent accident, injury, loss or damage, and to minimise any losses which may occur. Each head of service must ensure that effective risk management is in place within their service areas, having regard to advice from any specialist officers (e.g. fire



prevention and health and safety). Risk management includes the identification, evaluation, control, financing and ongoing monitoring of risks.

110. Each head of service shall notify promptly the head of finance of all new risks, properties, vehicles or assets which require to be insured and any alterations affecting existing insurance.
111. The head of finance in consultation with the head of service shall determine the appropriate insurance cover. The head of finance shall be responsible for ensuring that all insurable risks are adequately covered and, in conjunction with heads of service, for regularly reviewing the levels of cover.
112. The head of finance shall hold in safe custody all insurance policies of the council and arrange for payment of premiums by the due date.
113. Each head of service shall inform the head of finance immediately of any insurance claim received, or any incident which will or has the potential to become an insurance claim. Procedures for the notification of claims, or potential claims, will be determined by the head of finance.
114. In the case of a major fire, flood or explosion affecting the council's property, or any incident resulting in the death or injury to an employee or other person, the head of service shall contact the head of finance immediately and follow this up with a report.
115. The head of finance, in conjunction with the head of service where necessary, shall be responsible for supervising the negotiating and settling of all claims made by or against the council.
116. The head of finance shall ensure that appropriate employees of the council are included in a suitable fidelity guarantee insurance policy.
117. Heads of service shall consult the head of finance and head of legal and democratic services regarding the terms of any indemnity the council is requested to give and shall not give any form of indemnity without the approval of these officers.
118. Insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and self-insurance and risk management arrangements must be retained for six years. All other matters relating to insurance or indemnities shall be carried out in accordance with arrangements determined by the head of finance.

## **Internal control and check**

119. In implementing and maintaining financial systems and procedures head of finance shall ensure that these include adequate levels of internal control and check, taking into account an assessment of the risks involved. The following principles shall be observed in the allocation of financial duties:

- (a) the duties of providing information regarding sums due to or from the council, and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
- (b) where possible adequate segregation of duties shall be maintained. Officers charged with the duty of examining and checking the accounts of transactions shall not themselves be engaged in any of these transactions; and
- (c) the principle of internal check must be included, where possible, in all accounting duties undertaken by staff. Unless it would be impracticable, each head of service must avoid any arrangement that would enable one officer to authorise, process and record a complete financial transaction. In cases where this would be impracticable, the chief finance officer must be asked to approve alternative arrangements and the head of service must ensure that the work is properly monitored.

## **Inventories and control of assets**

120. For the purposes of these financial procedure rules an asset is any item which has an intrinsic value and includes land, buildings, fittings, furniture and equipment, computer equipment and systems, vehicles plant and machinery, stores and materials.
121. Heads of service shall maintain an inventory or register of all assets under their control in a form and to the extent determined by the chief finance officer.
122. Items shall be added to the inventory as soon as they are received. Items leased to the council should be recorded with note of ownership. If an item is lost or stolen this must be recorded against the entry in the inventory and the item should be written-off after authorisation by the chief finance officer.
123. The internal audit manager shall at all reasonable times have access to the assets of the council and to examine and audit registers and inventories.
124. Each head of service shall undertake an annual check on all items on the inventory and take action in relation to surpluses or deficiencies in accordance with the requirements of these financial procedure rules (see Financial Procedural Rule re Stocks and Stores), or where items become unserviceable or obsolete and shall update the inventory accordingly.
125. Council property, assets, or materials shall only be used in connection with council business unless otherwise authorised by the head of service. Council property shall only be removed from council premises for use in the course of ordinary council business, or with the permission of the head of service, and a record should be kept of authorised removals.
126. Where it is necessary to take custody of property which is not the property of the council, the relevant head of service shall ensure that a complete inventory is prepared and that all reasonable steps are taken to protect that property from

loss or damage. The head of finance should be informed of any new insurable risk.

127. Items of property or cash left on council premises and regarded as lost property must be dealt with in accordance with procedures determined by the internal audit manager.

## **Orders for works, goods and services**

128. Heads of service shall place orders only in accordance with:

- (a) the contracts procedure rules;
- (b) the council's procurement and other relevant policies (including arrangements for central purchasing or the standardisation of supplies);
- (c) legal and health and safety requirements;
- (d) the principles of value for money (i.e. ordering what is legitimately required at the correct quality, quantity and time, and at the best possible price); and
- (e) procedures determined by the chief finance officer.

129. Heads of service should ensure that the council will not knowingly obtain supplies from or deal with organisations which fail to meet the reasonable expectations of their creditors, regarding payment of debts.

130. Prior to placing an order or entering into any other sort of commitment to expenditure, a head of service must be satisfied that there is enough provision in the relevant approved revenue or capital budget and that the order will not result in an overspending.

131. Official orders ('purchase order') shall be issued for all works, goods and services supplied to the Council except where the circumstances are such that it is not possible to raise an official order and where this exception has been approved by the head of finance.

132. All payments shall be made via the council's accounts payable (creditors) system unless agreed otherwise by the head of finance.

133. An officer must not seek or receive any gift or personal inducement, including lavish or excessive hospitality, in connection with the placing of any order. Officers may not place orders with any individual or organisation with whom they have a family, personal or financial relationship. If an officer's work involves contact with any individual or organisation with whom they have a family, personal or financial relationship, that officer must notify their head of service in writing.

## **Payments**

134. All payments (including invoices, salaries, wages, other emoluments, allowances, benefits and petty cash) shall be made under arrangements determined by the head of finance.

135. No payment to a member of staff shall be authorised by himself/herself. Payments to heads of service shall be authorised by a member of the strategic management board; payments to a member of the strategic management board shall be authorised by another member of the strategic management board.
136. All payments to members of staff and councillors will be made via the payroll system unless an alternative arrangement has been agreed by the Head of Finance.

#### PAYMENT OF INVOICES

137. Each head of service is responsible for checking the accuracy and validity of invoices submitted for payment, and for processing these promptly in accordance with procedures determined by the head of finance. Heads of service shall provide the head of finance with such particulars in connection with work done, goods supplied or services rendered and all other amounts due, as may be required and in such a manner as the head of finance may specify.
138. The head of finance may examine any account, and obtain any explanation considered necessary.
139. Wherever practicable the duties of ordering, receiving goods or services and certifying the invoice shall not be performed by the same officer.
140. Heads of service shall notify the head of finance of all outstanding expenditure relating to the previous financial year, in accordance with the year end accounting timetable produced by the head of finance.

#### SALARIES, WAGES AND ALLOWANCES

141. Heads of service are responsible for checking the accuracy and validity of claims and other records relating to contracts of employment (including travel and subsistence).
142. The head of HR, IT and technical services is responsible for ensuring that all payments made under contracts of employment are in accordance with such contracts, the council's human resources policies, and in accordance with procedures determined in consultation with the head of finance.
143. The head of HR, IT and technical services shall advise the head of finance of all matters affecting the remuneration of employees.

#### COUNCILLORS' ALLOWANCES

144. Councillors who are entitled to claim travelling or other allowances shall submit their claim on the prescribed form, duly completed and signed. Claims should be submitted in accordance with the councillors' allowance scheme to the head of legal and democratic services. The accuracy of the information contained in a claim shall be the responsibility of the councillor concerned.

145. The head of legal and democratic services shall be empowered to examine all claims submitted and make whatever checks or enquiries he/she feels are reasonable to verify the accuracy of the claim before payment.

#### **PETTY CASH IMPREST AND CASH FLOATS**

146. The head of finance shall provide officers with petty cash accounts and cash floats, as he/she considers necessary. Petty cash will be maintained on the imprest system. Any officer to whom a petty cash imprest or a cash float has been issued shall maintain records and operate the account in accordance with procedures determined by the head of finance.

147. The internal audit manager shall at all reasonable times have access to petty cash accounts and cash floats for control and check purposes.

148. Heads of service shall notify the head of finance when authorisation is withdrawn from an officer or an authorised officer leaves the council, or when responsibility for the imprest is transferred to a different officer.

#### **Retention of documents and financial records**

149. Heads of service are responsible for the retention of documents and other financial records. These shall be retained for periods prescribed by statutory or other external regulations or, in the case of financial records and supporting documents where there are no such requirements, the head of finance shall determine the retention periods, including the type of storage media. Details of this are contained within the council's 'corporate procedure – retention and disposal of documents'.

150. Financial records shall not be disposed of other than in accordance with prescribed statutory requirements or as approved by the head of finance.

#### **Security**

151. Heads of service are responsible for the security and safe custody of all assets, cash and other property under their control. For this purpose an asset is any item which has an intrinsic value and includes land, buildings, fittings, furniture and equipment, computer equipment and systems, vehicles plant and machinery, stores and materials, money, investments and securities, data and confidential information.

152. Each head of service shall consult the internal audit manager in any case where security is thought to need improvement, or where it is considered that special security arrangements may be needed.

153. Maximum limits for cash holdings shall be agreed with the head of finance and shall not be exceeded without his/her express permission. Cash held in any safe must not exceed the amount of the insurance limit for that safe.

154. Keys to safes, cash boxes, strong rooms, machines and security systems shall be in the safe keeping of those responsible at all times. The loss of any such keys shall be reported to the head of service concerned immediately who should take appropriate steps to protect the interests of the council.
155. Each head of service shall be responsible for the control and security of all funds managed by employees arising out of their employment.
156. The holders of safe keys shall not accept unofficial funds or valuables for depositing in the safe unless authorised by the head of finance. In such circumstances it must be made clear to the depositors that the council is not to be held liable for any loss.
157. Assets shall, where possible but in particular attractive, desirable and portable items, be clearly marked as being the property of the council. Leased property should be marked in accordance with any agreement reached between the relevant head of service and lease companies.
158. Computer equipment, programs and data must be adequately protected against theft, misuse and unauthorised access and each head of service is responsible for ensuring the compliance with all council policies and guidelines on security and crime prevention.
159. If any financial irregularity occurs or is suspected concerning cash, stores or other property of the council, or in the exercise of the functions of the council, the head of service concerned shall immediately notify the head of finance and internal audit manager who will take such steps as they consider necessary by way of investigation and report.
160. In instances of criminal activity, or suspected criminal activity, affecting the council's finances, heads of service shall immediately notify the head of finance and internal audit manager of the circumstances.

## **Stocks and stores**

161. Heads of service shall be responsible for the custody and physical control of the stocks and stores held in his/her service area(s) and shall ensure that stocks and stores are not carried in excess of reasonable requirements.
162. Heads of service are responsible for maintaining systems of stock accounting, examination and control, which accurately and completely record the value of stock and stores for which they are responsible, and which have been approved by the head of finance.
163. Heads of service shall arrange for a stock take of all stocks and stores at least once every year, as near as possible to 31 March each year, or on a regular continuous basis during the year. Such checks should be carried out independently of the officers responsible for their custody.

164. The chief finance officer and internal audit manager may at all reasonable times have access to all stocks and stores of the council and may make such checks as are deemed necessary including their presence during stock-taking.

## **Taxation**

165. The chief finance officer shall be authorised to make any decision or determination with regard to taxation that he/she considers necessary for the overall tax efficiency of the council. All instructions or guidance issued by the chief finance officer relating to the tax affairs of the council shall be complied with by any employee and where appropriate shall be drawn to the attention of any contractor to the council.

166. The head of finance is responsible for the administration of the tax affairs of the council.

## **Treasury management**

167. The council shall observe the CIPFA Code of Practice for Treasury Management in Local Authorities.

168. A Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of the CIPFA Code of Practice for Treasury Management in Local Authorities, namely:

- (a) definition of approved activities;
- (b) strategy formulation, approved financing methods, sources of borrowing, approved organisations for investment and investment instruments;
- (c) policy on interest rate exposure, external management of investment and delegation;
- (d) review and reporting requirements

shall be adopted by the council and thereafter its implementation and monitoring shall be delegated to the head of finance (subject to any directions from the chief finance officer).

169. Before the start of the financial year the head of finance shall report to the audit and (corporate) governance committee on the strategy for treasury management it is proposed to adopt for the coming financial year. The strategy will be formally adopted by council.

170. All executive decisions on borrowing, investment or financing shall be delegated to the head of finance who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the Policy Statement and strategy referred to above.

171. The head of finance shall report to the audit and [corporate] governance committee and Council not less than three times in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an

annual report on treasury management for presentation by 30 September of the succeeding financial year. The second will be a mid-year report. The third being the strategy referred to in the previous paragraph.

172. All money in the hands of the council shall be under the control of the chief finance officer.
173. All borrowing and investments of the council's funds shall be made in the name of the council or nominees approved by the chief finance officer.
174. The head of finance shall be the council's registrar of stocks, bonds and mortgages. All negotiable instruments, financial bonds and securities (other than title deeds of land or buildings), the property of, or in the name of the council, or its nominees, shall be held by the head of finance, or otherwise as the head of finance may specifically direct, under secure arrangements.
175. The head of finance shall determine the form of records of all borrowing or investments made by the council.
176. All trust funds shall, wherever possible, be in the name of the council and shall be operated in accordance with arrangements made by the chief finance officer. Officers acting as trustees by virtue of their official position shall deposit all securities relating to the trust with the chief finance officer unless the deed provides otherwise.

## **Unofficial funds**

177. An unofficial fund is any fund associated with council business, supervised or managed by council staff, but which is not part of council funds or trust funds of the council. All unofficial funds monies shall be kept separate from council monies.
178. Officers planning to act as Honorary Treasurers of unofficial funds shall consult the appropriate head of service and chief finance officer before accepting the position.
179. Unofficial funds shall be managed and administered in accordance with any statutory requirements and at least to the same standards as those applicable to the council generally.
180. The head of service concerned shall be responsible for ensuring sound arrangements for the financial management and audit of unofficial funds and shall consult with the chief finance officer before formulating regulations that apply to such funds, and shall seek guidance from him/her on taxation. The type and extent of audit will be decided in consultation with the chief finance officer and will take into account the nature of the fund and the degree of risk.
181. Financial records shall be kept for all unofficial funds as determined by the head of finance who shall be given complete access to all records and information relating to unofficial funds.



182. The head of finance shall have the right to require any officer holding unofficial funds to give a true account, in writing, of the following:

- (a) all money and property committed to the officer's custody;
- (b) all receipts and payments, together with vouchers and other supporting documents; and
- (c) a complete list of the amounts due from, or to, all persons.

# Contracts procedure rules

## Introduction

1. These contracts procedure rules (issued in accordance with section 135 of the Local Government Act 1972) are intended to promote good purchasing practice, public accountability and to deter corruption. These contracts procedure rules are the rules that regulate council contracts.
2. The purpose of the rules is to ensure that works, supplies/goods, or services are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with the law, best practice and council policies.
3. Contracts procedure rules apply to **all** council contracts excluding contracts of employment and contracts with employment agencies for the engagement of temporary employees. Contracts include:
  - works contracts;
  - the purchase of supplies/goods, services, computer hardware and software; leasing arrangements;
  - hire of plant and equipment;
  - consultancy services;
  - the acquisition and disposal of land; and
  - the disposal of goods and materials.
4. Contracts procedure rules apply irrespective of the size of the contract. A formal contract may not necessarily be involved e.g. the intention may be to issue an Order. The contract may involve expenditure by or income to the council.
5. The rules form part of the council's constitution.
6. These contracts procedure rules should be read in conjunction with all other elements of the council's constitution. These contracts procedure rules do not provide guidance on what is the best way to purchase works, supplies/goods, and services. They set out the minimum requirements to be followed. Further information and guidance are set out in the council's purchasing guide and procurement strategy and the council's tender evaluation policy available on the council's procurement intranet.

## Definitions

7. In these contracts procedure rules the following words and phrases mean as follows:

“Approved list”

A list of contractors, approved by the Cabinet or relevant Cabinet member or a committee, for types of works, supplies/goods or services with

	specified contract limits applicable to contractors from which limited lists of tenderers can be drawn.
“Award criteria”	The criteria by which the successful quotation or tender is to be selected.
“Cabinet member”	The member of the Cabinet to whom the council has allocated responsibility for the service or in the Cabinet member’s absence an alternative Cabinet member.
“Cabinet or a committee”	The Cabinet or committee with budget and service responsibility for a particular contract.
“Certified contract”	A contract which may be certified under the Local Government (Contracts) Act 1997.
“Competitive dialogue procedure”	An EU procedure as an alternative to the open, restricted, and negotiated procedures, designed for the award of “complex contracts” and which provides for open dialogue with short listed providers.
“Contract”	A legally binding agreement between two or more parties which is intended to be enforceable at law.
“Contract sum”	The amount of expenditure or income specified in the contract or order.
“Contract value”	The estimated total value of an individual contract or series of contracts (both income generating and involving expenditure) calculated in accordance with contract procedure rule 34.
“EU”	European Union.
“EU procedure”	The procedure required by the EU where the total value of the contract exceeds the relevant EU threshold.
“EU threshold”	The current threshold value at which the EU public procurement directives must be applied for advertisement under the EU public procurement rules.
“Framework agreement”	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, (in

particular with regard to price and, where appropriate, the quantity envisaged).

“Gateway review”	A review of all compliant procurement options and contracts available to the council.
“Head of service”	The head of service with responsibility for the contract, or an officer with authority to act on behalf of that head of service in relation to the contract, or an officer with line management responsibility for the head of service and in the absence of the officer with line management responsibility, any strategic director or the chief executive.
“Land acquisition”	Any acquisition of land or buildings by the council by way of a freehold or leasehold purchase.
“Land disposal”	Any disposal of land or buildings by the council by way of a freehold sale or a lease for a term exceeding seven years.
“Most economically advantageous offer”	A tender or quotation which provides the best value for the council having regard to both price and other evaluation criteria relevant to the contract.
“Negotiated procedure”	An EU procedure where the council negotiates with one or more potential service providers and which may only be used in exceptional circumstances.
“Order”	A written priced and signed order authorised and issued in accordance with the council’s financial procedure rules.
“Open procedure”	A one-stage procedure where all contractors who respond to an advertisement are invited to complete a pre-qualification questionnaire and tender for the contract.
“Portal”	Any e-tendering portal that has been chosen by the council for the purposes of e-commerce.
“Procurement strategy”	The document setting out the council’s approach to procurement and key priorities and available on the council’s procurement intranet.
“Purchasing guide”	A suite of guidance documents, together with a number of standard documents and forms, which

	supports these contracts procedure rules and are available on the council's procurement intranet.
“Quotation”	A price provided to the council as a contractor's formal offer.
“Restricted procedure”	A two-stage procedure where contractors who respond to an advertisement are short listed by way of a pre-qualification assessment and then invited to tender.
“Select list”	A limited list of tenderers for a contract selected following advertisement, expression of interest, pre-qualification assessment and tender evaluation.
“Strategic director”	The strategic director responsible for the contract, an officer with authority to act on behalf of that director in relation to the contract and in the absence of the strategic director responsible for the contract, any strategic director or the chief executive.
“Tender”	A sealed bid submitted by a contractor by a specified date and time in accordance with terms specified by the council.
“Validator”	A person independent from the purchasing or audit process on the procurement, authorised to open the e-tenders on the Portal.

## General requirements

### COMPLIANCE WITH OTHER RULES, STATUTES, REGULATIONS AND EC TREATY AND EUROPEAN DIRECTIVES

8. All contracts made by or on behalf of the council shall comply with these contracts procedure rules and
  - (a) The budget and policy framework.
  - (b) Financial procedure rules.
  - (c) The scheme of delegation.
  - (d) All other parts of the council's constitution.
  - (e) Statutes (including specific rules on advertising tenders).
  - (f) Regulations.
  - (g) EC treaty and EU directives.
9. Where there is any conflict between national law, European regulations and directives and these contracts procedure rules, national law and European regulations and directives shall prevail.

## COLLABORATIVE PARTNERSHIPS AND JOINT WORKING

10. Collaborative and partnership arrangements are subject to all United Kingdom and EU procurement legislation and must follow these contracts procedure rules.
11. Any partnerships or joint procurement arrangements with other local authorities or public bodies including membership or the use of purchasing consortia for procurements the aggregated contract value of which exceeds the relevant EU threshold shall be approved by the Cabinet member prior to the commencement of any procurement on behalf on the council.

## AGENCY ARRANGEMENTS

12. Where the council acts as an agent for another local authority, these contracts procedure rules shall apply unless that authority specifies the use of alternative procedures, or has chosen the contractor using its own selection procedures in accordance with contracts procedure rule 146.

## WORKING WITH OTHER PARTNERS

13. These contracts procedure rules apply to contracts in partnership with other bodies unless authorised as an exception under section J.

## CONTRACT DOCUMENTATION

14. The formal advice of the head of legal and democratic services must be sought for the following contracts:
  - (a) where the contract value exceeds £75,000;
  - (b) those involving leasing arrangements;
  - (c) where it is proposed to use a supplier's own terms;
  - (d) those involving the purchase of application software;
  - (e) those that are complex in any other way.
15. Every contract made by or on behalf of the council shall be evidenced in writing. Where the contract value does not exceed £75,000 the contract may be by an order or an alternative method of recording the arrangements where permitted under financial procedure rules or, if the head of service considers appropriate, a formal written contract signed by the head of service.
16. Where the contract value exceeds £75,000 the contract shall be in writing in a form approved by the head of legal and democratic services and shall be sealed with the common seal of the council unless the head of legal and democratic services considers that the contract need not be made under seal.
17. Where appropriate the council's standard terms and conditions shall be used.
18. Every formal written contract for any contract value shall include the following provisions unless the head of service and head of legal and democratic services considers it inappropriate to do so. The contract shall state:

- (a) the purpose and basis of the contract;
- (b) the nature of the works, supplies/goods or services to the council;
- (c) the amount to be paid by the council including any terms for deductions and discounts;
- (d) the duration of the contract;
- (e) delivery arrangements;
- (f) the council's requirements in respect of relevant council policies (e.g. health and safety);
- (g) such additional conditions as the head of service or head of legal and democratic services shall determine;
- (h) a requirement that works, supplies/goods and services shall comply with any relevant international or European standard or where these do not exist any relevant British standard; and
- (i) the provisions for the parties to terminate the contract.

19. Where the contract value exceeds £75,000 the contract shall unless the head of service and head of legal and democratic services consider it inappropriate to do so state:

- (a) any insurance requirements;
- (b) health and safety requirements;
- (c) data protection requirements, if relevant;
- (d) that charter standards are to be met if relevant;
- (e) equality and diversity requirements;
- (f) environmental requirements;
- (g) freedom of information requirements;
- (h) that the contractor must comply with the council's policies relevant to the delivery of the contract;
- (i) where agents are engaged to let contracts, that agents must comply with the council's contracts procedure rules;
- (j) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant;
- (k) that if the contractor fails to perform the contract, the council may cancel all or part of the contract or may terminate the contract and recover from the contractor any additional sums incurred;
- (l) that the contractor shall be liable to liquidated damages if it fails to meet the terms of the contract;
- (m) that the contract may not be assigned or otherwise transferred by the contractor without the written permission of the council;
- (n) that the council may terminate the contract and recover any loss resulting from such cancellation if the contractor, its employees or anyone acting on the contractor's behalf do any of the following:
  - (i) offer, give or agree to give any person a gift or consideration of any kind as an inducement or reward for any action to show favour or disfavour to any person in relation to the contract or any contract with the council;
  - (ii) if the act or like acts have been undertaken by any person or party employed or acting upon the contractor's behalf (whether with or without the contractor's knowledge);

- (iii) do anything improper to influence the council in the award of the contract;  
or
  - (iv) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117 (2) of the Local Government Act 1972 or the Bribery Act 2010
  - (v) commit any fraud in connection with this or any other council contract whether alone or in conjunction with councillors, contractors or employees.
- (o) that the contractor must comply with the comments and complaints procedure or an equivalent procedure agreed between the council and the contractor to serve the same purpose; and
- (p) whether and how the contractor must publicise or advertise the fact that the contract works being carried out or the services delivered are being carried out or delivered by the contractor on behalf of the council.

20. Where there is a standard form of contract recognised by a professional institution or body for a particular type of contract, the relevant head of service shall following consultation with the head of legal and democratic services use the standard form of contract subject to any variations or additions agreed by the head of service and the head of legal and democratic services.

#### CERTIFIED CONTRACTS

21. In the case of certified contracts, every relevant contract shall be accompanied by a certificate under the 1997 Act and Regulations certified by the head of legal and democratic services.
22. There shall be inserted in every certified contract a clause which states on the part of the council that the contract is a certified contract under the Local Government (Contracts) Act 1997 Act and that the certification requirements under the 1997 Act are intended to be satisfied by the council within six weeks of the signing of the contract.

#### MANAGEMENT AND SUPERVISION OF CONTRACTS

23. All council employees and anyone engaged by the council to manage and supervise a council contract shall comply with the requirements of these contracts procedure rules.
24. Heads of service shall appoint a named contract manager for the entirety of any contract for which they are responsible.

#### BONDS AND GUARANTEES

25. If the contract value exceeds £75,000 the contract manager for that contract shall carry out a risk assessment for the procurement and send this with suggested mitigation measures including the need for a performance bond or parent company guarantee and the level of such bond/guarantee and the need for a liquidated damages provision to the head of finance and the head of legal and democratic services for their approval prior to commencing the procurement.



26. The terms of any performance bond or parent company guarantee required including provisions for its release shall be approved by the head of legal and democratic services

#### SIGNING/SEALING OF DOCUMENTS

27. A decision of the Cabinet, an individual Cabinet member, or a committee, or the exercise of any power delegated to an officer in relation to any contract will be sufficient authority for signing or sealing any document necessary to give effect to the decision.

28. The common seal of the council shall be affixed to those documents, which in the opinion of the head of legal and democratic services should be sealed. The affixing of the common seal shall be attested by the head of legal and democratic services or by the chief executive, a strategic director or a senior lawyer.

#### COMMENCEMENT OF CONTRACT

29. No works, services or supplies shall be commenced until a contract has been completed or an order has been issued to the contractor unless the strategic director approves otherwise.

#### DECLARATION OF INTERESTS

30. Officers of the council shall declare to their head of service their direct or indirect pecuniary interest in contracts, which have or are proposed to be entered into by the council. An officer with an interest in a contract whether declared or not shall take no part in the procurement process or advise on the council's dealing with that contract.

31. Officers shall declare their interest if a contract in which they have an interest arises at a meeting at which they are present, and if appropriate withdraw from the proceedings.

#### NOMINATED SUB-CONTRACTORS AND SUPPLIERS

32. Where a sub-contractor or supplier is to be nominated to a main contractor, the head of service shall follow the requirements of these contracts procedure rules when inviting quotations or tenders in order to select a sub-contractor or supplier.

#### **Financial limits for quotations or tenders**

33. The contract value determines which quotation or tendering requirements apply.

34. The contract value is calculated (exclusive of VAT) in the following way:

- (a) the estimated total value of a fixed term contract or a series of contracts;
- (b) for contracts for an indefinite period by multiplying the estimated monthly value by 48;

- (c) the total contract value for the purposes of clarifying whether or not the contract exceeds the relevant EU threshold means the total value of the contract to all councils participating in the procurement calculated over the lifetime or term of the contract ( including any provision for extension of the term specified in the contract documents)
35. These calculation methods apply to contracts involving both expenditure by and income generated for the council and a record shall be kept of the calculation.
36. If the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) does not exceed £10,000 one written quotation shall be obtained as a minimum, although the head of service may choose to seek additional written quotations if this is likely to obtain better value for money. The procedure for obtaining quotations is set out in section F.
37. If the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £10,000 but does not exceed £75,000, three written quotations shall be invited as a minimum using the Portal, unless an exception set out in section J applies. The procedure for obtaining quotations is set out in section F. However, the head of service may instead choose to seek tenders if this is likely to obtain better value for money. The procedure for obtaining tenders is set out in section G.
38. If the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £75,000, tenders shall be invited in accordance with the procedure set out in section G.
39. A summary of the financial limits and the application of contracts procedure rules are set out in appendix A.
40. If an officer knowingly and deliberately disassembles a contract or series of contracts to avoid the requirements of contracts procedure rules, which would apply to the complete scheme, this will amount to misconduct and may lead to disciplinary action.
41. No individual external contractor shall be awarded work totalling more than £75,000 (excluding any contracts awarded as an exception under section J) in any financial year by the same head of service on the basis of single written quotations. Allocation of work above this total shall only be made on the basis of a minimum of three written quotations or tenders being invited in accordance with these contracts procedure rules.

## Steps prior to letting contracts

### GENERAL REQUIREMENTS / GATEWAY REVIEW

42. The head of service shall appraise the contract, in a manner commensurate with its complexity and value, and take into account any guidance on the council's procurement intranet by:
- (a) taking into account the requirements from any relevant review;
  - (b) appraising the need for the expenditure and its priority;
  - (c) defining the objectives of the contract;
  - (d) assessing the risks associated with the contract and how to manage them;
  - (e) considering what procurement method is most likely to achieve the contract objectives, including internal or external sourcing, partnering, relevant packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium;
  - (f) consulting users as appropriate about the proposed procurement method, contract standards, performance and user satisfaction monitoring; and
  - (g) setting out these matters in writing and by confirming that:
    - (i) there is a Cabinet/committee individual Cabinet member or delegated approval in accordance with the scheme of delegation as set out in the council's constitution for the contract and expenditure; and
    - (ii) if the contract is a key decision, all appropriate steps required by the constitution have been taken.

### PROCUREMENT PROCEDURE

43. Before engaging in a tender exercise officers shall establish whether any contracts including framework agreements placed by other public authorities (e.g. Office of Government Commerce, buying consortia) are available for the council's use, potentially saving time and money.
44. Where tenders are required to be invited any of the methods specified in these contracts procedure rules may be employed as well as any other method permitted under the EU Procedure.
45. The Office of Government Commerce (OGC) approved e-procurement technology may be used for tendering purposes.

### PROJECT MANAGEMENT

46. Procurements which are of sufficient value or complexity should also be considered as projects and as such the head of service and relevant officer must follow the council's project management system including the completion and agreement of key project documents.

## IDENTIFYING AND ASSESSING POTENTIAL CONTRACTORS

47. Officers shall ensure that, where proposed contracts, irrespective of their total value, might be of interest to potential candidates located in other member states of the EU, a sufficiently accessible advertisement is published.
48. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be.
49. The head of service is responsible for ensuring that all candidates for a relevant contract are suitably assessed. The assessment process shall establish that the potential candidates have sound:
- (a) economic and financial standing; and
  - (b) technical ability and capacity.

to fulfill the requirements of the council.

## PRE-TENDER MARKET RESEARCH / GATEWAY REVIEW AND CONSULTATION

50. The head of service:

- (a) may consult potential suppliers prior to the issue of the invitation to tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential candidate, but
- (b) must not seek or accept technical advice on the preparation of an invitation to tender or quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential candidates or distort competition, and must seek advice from the head of legal and democratic services and from the procurement team.

## RECORDS

51. Where the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) is less than £75,000 the following records must be kept by the officer responsible for the purchase:
- (a) invitations to quote and quotations (where the work is conducted through the Portal this will automatically be held)
  - (b) a record:
    - (i) of any exemptions and the reasons for them; and
    - (ii) of the reason if the lowest price is not accepted.
  - (c) written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

52. Where the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £75,000 the officer must record:

- (a) the method for obtaining tenders;
- (b) any contracting decision and the reasons for it;
- (c) any exemption together with the reasons for it;
- (d) tender documents sent to and received from candidates;
- (e) pre-tender market research;
- (f) clarification and post-tender negotiation (to include minutes of meetings);
- (g) the contract documents;
- (h) post-contract evaluation and monitoring; and
- (i) communications with candidates and with the successful contractor throughout the period of the contract.

53. Records required by this rule must be kept for six years after the end of the contract. However, written documents which relate to unsuccessful candidates need only be retained for 12 months from award of the contract, provided there is no dispute about the award.

54. A business case must be prepared for all procurements with a potential value over the EU threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

55. For all contracts with a value over the relevant EU Threshold Contract managers must maintain a risk register during the contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

## QUOTATIONS

56. Unless otherwise required by law or an exception set out in in rules 137 – 147 applies, the financial limits relating to quotations are:

- (a) up to £10,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents). Minimum of one written quotation to be obtained.
- (b) £10,001 to £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) Minimum of three written quotations to be invited.

57. Quotations may be invited from any of the following:

- open invitation via the Portal
- contractors on approved lists
- in the absence of an approved list or where the head of service considers it appropriate from identified providers of the required works, supplies/goods or service.

58. Requests for written quotations shall be made in writing. If the lifetime value of the contract exceeds £5,000 then any open invitation to quote must be published via the Portal.
59. The written quotations need not be received at the same time but should be considered according to the same evaluation criteria.
60. Quotations shall not be divulged to other contractors.
61. A quotation shall only be accepted if it is within an approved revenue or capital budget.
62. All relevant circumstances shall be taken into account when evaluating and accepting quotations. Where the accepted quotation is not the lowest (or highest in the case of income) the reasons for acceptance shall be recorded. quotations may be accepted as follows:
63. Up to £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) by the head of service.
64. Where a minimum of three written quotations have been invited but fewer than three have been received, the head of service, in consultation with the Cabinet member, may accept one of them if satisfied that the quotation is suitable and inviting additional quotations is unlikely to achieve greater value for money.
65. Where written quotations have been sought based on a genuine estimate, but the one recommended for acceptance exceeds £75,000, it may be accepted by the Cabinet member if seeking Tenders is unlikely to provide greater value for money.
66. A quotation up to £75,000 shall be accepted by an order unless a formal written Contract is entered into or an alternative method of recording the arrangements is permitted under financial procedure rules. If a quotation above £75,000 is accepted under contracts procedure rule **64**, the contract shall be in writing in a form approved by the head of legal and democratic services and shall be sealed with the common seal of the council at the discretion of the head of legal and democratic services.
67. A written record shall be kept of all requests for, receipt and acceptance of quotations (this will be automatic if the procurement is conducted via the Portal).
68. No individual external contractor shall be awarded work totalling more than £75,000 (excluding any contracts awarded as an exception under section J) in any financial year by the same head of service on the basis of single written quotations. Allocation of work above this total shall only be made on the basis of three written quotations or Tenders being invited in accordance with these contracts procedure rules.

## Tenders

### GENERAL

69. Tenders must be invited if the contract value exceeds £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) unless an exception under section J applies.
70. Tenders may also be invited for contracts below this amount where this would be in the best interests of the council e.g. it is likely to provide better value for money and wider competition.
71. Tenders may also be preferred to quotations where it is known that the contract value is likely to be close to the £75,000 limit.
72. Unless a decision of the council or law requires otherwise, heads of service in consultation with the head of HR, IT and technical services and the Cabinet member shall select which of the following Tender procedures is in the best interests of the council:
- (a) Approved list.
  - (b) Select list.
  - (c) EU open/restricted/competitive dialogue procedure.
  - (d) EU negotiated procedure (if the use of this procedure is approved by the strategic director, the monitoring officer and the chief finance (section 151) officer.
  - (e) EU framework agreements.
  - (f) Crown Commercial Service buying consortia agreements.

This will constitute a contract Gateway review.

73. In selecting contractors invited to tender or awarding a contract, heads of service shall assess and evaluate the suitability of contractors.

### APPROVED LIST - (see rules 148 – 160)

74. Approved lists should be used where recurrent transactions of similar types are likely but not where such transactions need to be individually priced and cannot easily be aggregated and priced in a single tendering exercise.
75. Tenders shall be invited from at least five contractors on the approved list for contracts of the type and value in question.
76. The five contractors shall include:
- (a) at least one contractor from the approved list selected by rotation;
  - (b) up to two contractors from the approved list who have satisfied the head of service that they have previously provided value for money to the council for a similar Contract, taking into account overall performance and the final Contract cost.

## SELECT LIST

77. Invitation for inclusion on a select list shall be by way of an open or restricted non EU or EU open restricted or competitive dialogue procedure and shall be advertised:
- (a) on the council's website or Portal which is linked to Contracts Finder
  - (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
  - (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
  - (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My tenders, Contracts Finder, Constructionline.
  - (e) in the Official Journal of the European Union (OJEU)/tenders Electronic Daily (TED) where the head of service considers this appropriate or required by law.
78. Contractors responding to the advertisement may be required to complete a pre-qualification questionnaire to provide a basis for selection, unless they already have passed PAS91 or e-certis certification to a sufficient level for the tender.
79. Tenders shall be invited from at least five contractors who respond to the advertisement under contract procedure rule 75
80. Where fewer than five contractors express an interest, the head of service shall repeat the select list procedure, follow an alternative tender procedure or seek instructions from the Cabinet or relevant Cabinet member or a Committee.

## OPEN PROCEDURE

81. The Contract shall be advertised:
- (a) on the council's website or Portal
  - (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
  - (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
  - (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My tenders, Contracts Finder, Constructionline.
  - (e) in the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) where the head of service considers appropriate or required by law.
82. Tenders shall be invited from all contractors responding to the advertisement.
83. Where fewer than five contractors express an interest, the head of service shall repeat the open procedure, follow an alternative procurement procedure or seek instructions from the Cabinet or relevant Cabinet member or a committee.



## RESTRICTED PROCEDURE

84. This is a two stage procedure where contractors who respond to an advertisement or notice are short listed by way of a pre-qualification assessment and then invited to tender. Candidates must be selected on the basis of published pre-qualification criteria.
85. The advertisement/notice will specify a time limit within which interested parties must submit requests to be selected to tender. The head of service must send invitations in writing to all contractors selected to tender. The invitation will include the specification and contract documentation.
86. If the publication of a notice in the OJEU is not required the advertising requirements are the same as in the open procedure except that the advertisement/notice shall state that the restricted procedure is being used.

## COMPETITIVE DIALOGUE PROCEDURE

87. The competitive dialogue procedure may be used where the council wishes to award a particularly complex contract and the EU open or restricted procedure does not provide for the award of that contract (particularly complex contract and where it is not possible objectively to define the technical means capable of satisfying the council's requirements or objectives or objectively to specify the legal or financial makeup of a project or both).
88. The advertising requirements are the same as in the open procedure and the restricted procedure except that the advertisement/notice shall state that the competitive dialogue procedure is being used.
89. The head of service will send invitations in writing simultaneously to each candidate selected via a pre-qualification questionnaire to participate in the dialogue. The invitation will include the outline specification and Contract documentation.
90. The competitive dialogue procedure may take place in successive stages by applying the award criteria in the contract notice or tender documents and number of contractors invited to participate in the final stage must be sufficient to ensure genuine competition. The competitive dialogue procedure may continue until it can identify one or more solutions capable of meeting the council's needs.
91. When the head of service declares that the dialogue is concluded he/she must inform each participant, and request that each participant submit a final tender containing all elements required and necessary for the performance of the contract.

## NEGOTIATED PROCEDURE

92. The negotiated procedure may be used in limited circumstances and only where the EU Open, Restricted or competitive dialogue procedure is not appropriate.

93. This procedure applies when the head of service, with the approval of the strategic director, the monitoring officer and the chief finance (section 151) officer considers it appropriate to consult and negotiate with one or more potential service providers and specifies the conditions under which work, supplies/goods and services shall be provided.

94. The head of service will publicise the council's intention to seek offers in relation to the contract by sending a notice to OJEU inviting requests to be selected to negotiate. In certain limited circumstances the negotiated procedure may be used without prior publication of a contract notice.

95. The Contract shall be advertised:

- (a) on the council's website or Portal
- (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My tenders, Contracts Finder, Constructionline.
- (e) in the Official Journal of the European Union (OJEU) / Tenders Electronic Daily (TED) where appropriate or required by law.

96. The notice will specify a time limit in which the contractor must return a request to be selected to negotiate and the head of service must send invitations in writing to all contractors selected to tender. The invitation will include the contract documentation.

97. On receipt of expressions of interest the Cabinet or relevant Cabinet member or a Committee shall select and invite a contractor to negotiate.

## FRAMEWORK AGREEMENTS

98. The term of an EU Framework Agreement must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three.

99. Contracts based on Framework Agreements may be awarded by either:

- (a) applying the terms set out in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
- (b) where the terms set out in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
  - (i) inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit tenders;

- (ii) fixing a time limit which is sufficiently long to allow tenders for each specific Contract to be submitted, taking into account factors such as the complexity of the subject of the contract; and
- (iii) awarding each Contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the tender documents of the Framework Agreement.

## STANDARDS AND AWARD CRITERIA

100. The head of service shall ascertain the relevant British, European or international quality standards which apply to the subject matter of the contract. The head of service shall include those standards which are necessary to describe the required quality. The head of legal and democratic services and the head of HR IT and technical services must be consulted if it is proposed to use standards other than British or where appropriate European quality standards.
101. The head of service shall define award criteria that are appropriate to the contract and designed to secure an outcome giving value for money for the council. The basic criteria shall be:
- (a) a lowest price provided the tender/quotation meets the specification and any stated minimum standards where payment is to be made by the council or
  - (b) Most Economically Advantageous Offer with weighting as specified in the council's tender evaluation policy unless for a particular contract an exception to the weighting has been considered and agreed by the relevant head of service in consultation with the relevant Cabinet member prior to invitations to quote/tender have been sought.

If the latter criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters. The head of service must record their justification for using the selected criteria

102. Award criteria must not include matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

## INVITATIONS TO TENDER

103. Invitations to tender shall:
- (a) include copies of all Contract documents;
  - (b) give instructions to tenderers, including the latest day, time and place for the delivery of tenders;
  - (c) if the tender is submitted in hardcopy, state that it must be submitted in the tender envelope supplied by the council or in a packet marked in the same manner sealed and addressed to the Head of HR, IT, and Technical

- Services and bearing the words “tender – Do Not Open” and the name of the project but with nothing on the envelope to identify the tenderer;
- (d) if the tender is submitted electronically, state that it must be submitted to the council’s specified email address for tenders and must include in the subject a specific key word relating to the tender as notified in the tender documentation.
  - (e) state that the council shall not be bound to accept a late or any tender.

104. The head of service may respond to requests from tenderers for supplementary information or clarification of tender documentation provided that this does not provide a tenderer with a competitive advantage.

105. The head of service, in relation to contract procedure rule 102 shall use discretion to send information to all tenderers to ensure that they are not disadvantaged.

#### RECEIPT AND OPENING OF TENDERS (INCLUDING LATE TENDERS)

106. Tenders opened from the Portal will be opened by the Validator at the appointed time on the system.

Hard copy/ envelopes received shall:-

- (a) not be opened on receipt (and if opened shall be reported to the monitoring officer);
- (b) be marked at the time of receipt or as soon as practical with the date and time of receipt and initials of the officer receiving the tender;
- (c) be retained by the Head of HR, IT and technical services who shall be responsible for the tenders until they are opened.

107. Tenders shall be opened at a meeting convened by the head of service and only in the presence of the following:

- (a) the head of service and / or a member of staff representing him / her;
- (b) a member of staff from HR, IT and technical services.

108. Electronic tenders shall be retained in a secure portal area until opened by the Validator.

109. Hard copy tenders shall be recorded in the council’s standard schedule of tenders opened with the full names of the contractors tendering and the amounts of the tenders submitted.

110. Any hard copy tender not delivered to the council’s offices by the due date and time for tendering or not received in the envelope supplied by the council or in a sealed packet marked in the same manner shall be returned promptly to the tenderer by the head of service. The tender may be opened to ascertain the name of the tenderer, but no details of the tender shall be disclosed.

111. Any tender delivered electronically but after the due date and time for tendering shall be placed in the late tenders folder and shall be returned promptly to the tenderer by the head of service.
112. In exceptional circumstances a strategic director in consultation with the monitoring officer and the Chief Finance (Section 151) Officer may decide to include and assess/evaluate a late tender.

#### ALTERATION TO THE TENDER SUM AND POST TENDER NEGOTIATIONS

113. Providing clarification of an invitation to tender to potential or actual candidates or seeking clarification of a tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post- tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.
114. If post-tender negotiations are necessary after a single-stage tender or after the second stage of a two-stage tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best tender and after all unsuccessful candidates have been informed.
115. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the head of service to carry out post-tender negotiations must ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
116. The head of legal and democratic services together with the head of HR, IT and technical services must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by at least two officers or one officer with a consultant engaged by the council.
117. Where post-tender negotiation results in a fundamental change to the specification (or Contract terms) the contract must not be awarded but re-tendered.

#### ACCEPTANCE OF TENDERS

118. Before accepting any tender, the head of service must consider whether the contractor seems sufficiently capable and financially sound to undertake the contract.

#### UP TO £75,000

119. Where the contract value does not exceed £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) and does not relate to the disposal of land and property with an estimated value exceeding £10,000 (see section H), the head of service shall have authority to accept the tender which is the lowest where payment is to be made by the council or highest where payment is to be

received by the council or is the Most Economically Advantageous Offer provided that the following conditions are met:

- (a) no fewer than three valid tenders were submitted. If fewer than three valid tenders were submitted in response to the invitation, the head of service in consultation with the Cabinet member may decide to include and assess/evaluate the tender.
- (b) the amount of the tender does not exceed by 10 per cent or £10,000, whichever is the less, the estimated tender sum for the scheme where one exists, and does not exceed the overall budget provision available. If the amount of the tender exceeds the above limits, the head of service shall either re-tender the contract or seek instructions from the Cabinet or relevant Cabinet member or a committee.
- (c) there have been no post tender negotiations. Acceptance of tenders following post tender negotiations is dealt with in contract procedure rule 120.
- (d) unless otherwise approved by the strategic director, any Government consents, planning and financial approvals have already been granted.
- (e) where no specific sum has been agreed by the council the Cabinet or relevant Cabinet member or a Committee, subject to consultation with the strategic director and the Cabinet member where the contract value exceeds £10,000.

120. Where a head of service considers that a tender should be accepted other than the lowest, where payment is to be made by the council or highest, where payment is to be received by the council or not the Most Economically Advantageous Offer authority must be sought to accept an alternative tender from the Cabinet or relevant Cabinet member or a committee.

#### BETWEEN £75,001 AND EU THRESHOLD

121. Where the contract value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £75,000 but does not exceed the EU Threshold the tender shall be referred to the Cabinet member or a Committee for acceptance with full details of the evaluation procedure, unless acceptance in an alternative manner is authorised in advance.

#### ABOVE EU THRESHOLD

122. Where the contract value exceeds the EU Threshold the tender shall be referred to Cabinet or relevant Cabinet member or a Committee for acceptance with full details of the evaluation procedure, unless acceptance in an alternative manner is authorised in advance.

123. Officers may take a report to Cabinet or relevant Cabinet member at the start of the procurement in order to:

- (a) authorise the procurement; and
- (b) authorise the head of service in consultation with the Cabinet member to accept a tender in accordance with the evaluation criteria stated in the invitation to tender.

## POST TENDER CLARIFICATION

124. Tender sums revised following post tender clarification may be accepted as follows:

Up to £75,000	by the strategic director, in consultation with the Cabinet member.
£75,001 to EU Threshold	by the Cabinet member or a committee.
Over EU Threshold	by the Cabinet or relevant Cabinet member or a committee.

## TENDER RECORDS AND REGISTERS

125. A written record shall be kept of all invitations and acceptance of tenders.

126. A record shall be kept of the receipt and opening of tenders.

127. The Head of HR, IT and technical services shall keep a tenders register which every councillor may inspect at any reasonable time. This will generally be held on the Portal.

## Land

128. Contracts procedure rules apply to land disposals and land acquisitions except those:

- (a) under a statutory obligation;
- (b) where a tenant has a right to renew a lease;
- (c) under a confirmed compulsory purchase order; or
- (d) under a scheme for the disposal of more than one piece of land or more than one building which has been previously approved by the council.

129. Disposals of surplus land and property with an estimated value of up to £10,000 can be authorised by a head of service. Consultation evidenced in writing with the Cabinet member is required for disposals of land and property with a book value between £5,000 and £10,000. Above that value disposals must be authorised by the Cabinet member as a formal delegated decision up to a book value of £50,000 and by Cabinet or relevant Cabinet member if the value exceeds £50,000. Before deciding whether to dispose of land or property the head of service or Cabinet or relevant Cabinet member shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value.

130. Unless otherwise agreed by the Chief Finance (Section 151) Officer and the monitoring officer all disposals with an estimated value over £5,000 shall be by way of a competitive tender process with bids invited from as many interested parties as is commensurate with the estimated value and intended use.

131. If land is sold by tender, the procedures in rules 69 to 127 shall apply.

132. For all disposals, a qualified valuer must provide an initial written valuation. If the likely value exceeds £100,000 then this must be supplemented by a second external valuation.
133. All disposals shall be on the best financial terms unless otherwise agreed by the Chief Finance (Section 151) Officer in consultation with the Cabinet member. Except where a general consent exists specific consent shall be obtained from the Secretary of State prior to an interest in land or property being disposed of for a price less than the reasonable market consideration.
134. Heads of Service may enter into negotiations for land disposals and land acquisitions provided that:
- (a) all necessary consents, budgetary approvals and Cabinet or relevant Cabinet member, committee and Council decisions are obtained and financial procedure rules complied with before the council is legally committed; and
  - (b) any procedures adopted by the council for the disposal of Council-owned land are followed.
135. No officer shall allow a party to take up occupancy of council-owned land until a transfer, lease, licence or other suitable document approved by the head of legal and democratic services has been completed.

## **Surplus goods**

136. Heads of service shall follow the requirements of these contracts procedure rules to obtain quotations or tenders and of financial procedure rules when disposing of any surplus goods or obsolete items of stock or stores or items on an inventory.

## **Exceptions**

### **GENERAL**

137. A Contract may be approved by or on behalf of the council without seeking quotations or tenders if there are special circumstances justifying an exception. There can be no exception if the EU Procedure applies.

### **RECORDS OF EXCEPTIONS**

138. The head of service shall keep a record of every exception and the reasons for it.

139. Tenders or quotations need not be invited in the following circumstances:

### **EMERGENCIES DISASTERS AND IMMEDIATE ACTION**

140. If immediate action is necessary to let a contract to prevent significant loss to the council or danger, injury or serious hardship to persons in the council's area,



the best practicable means of obtaining value for money in the selection of the contractor shall be used, using an approved list wherever practical. If the contract value exceeds £10,000, the relevant Cabinet member shall be consulted.

#### NEGOTIATIONS WITH AN EXISTING CONTRACTOR

141. If, after a contract has been let, circumstances arise which were not foreseen when the original tenders or quotations were invited, variations to, extension of or a further Contract with the original contractor may be made provided that:

- (a) it is permitted by law;
- (b) the terms and conditions of the original Contract apply;
- (c) the total value of the addition or modification does not exceed 25% of the original Contract Sum unless the strategic director in consultation with the relevant Cabinet member is satisfied that value for money will be achieved;
- (d) the variation follows any method of variation specified in the original Contract;
- (e) if the value of the variation exceeds £75,000, the relevant Cabinet member shall be consulted;
- (f) the cost is within the budget provision; and
- (g) any changes to the contract period are agreed with relevant head of service, head of legal and democratic services and recorded in the contracts register.

#### PROPRIETARY ARTICLES

142. If supplies/goods, materials or services are proprietary articles, are sold by a single supplier or their prices are wholly controlled by Government Order or in the case of repairs to or the supply of parts of existing proprietary articles, tenders or quotations need not be invited if no reasonably satisfactory alternative is available.

#### SPECIALIST CONTRACTS

143. If the supplies/goods, services or works are of such a specialist nature that quotations or tenders cannot be obtained or can only be obtained from fewer contractors than normally required by contracts procedure rules or, can only be purchased under a trade name or description or, in the case of professional services, e.g. the use of barristers or external solicitors where a particular individual or firm has specialist expertise in the field and the head of service is satisfied that value for money will be provided in all the circumstances.

#### LOCAL AUTHORITIES AND STATUTORY UNDERTAKERS

144. If the services are to be provided by another local authority, by a statutory undertaker or by a supplier of gas, electricity or water services.

#### CONSORTIUM

145. If tenders have been invited by a consortium, collaboration or similar body of which the council is a member, the council may follow that body's procedures or

the procedures set out in these contracts procedure rules. Also, the council may access Government catalogue-based procurement schemes, e.g. Office of Government Commerce buying solutions agreements under Customer Access Agreements subject to compliance with the contract financial limits and reporting requirements of these contracts procedure rules and the requirement to secure the Most Economically Advantageous Offer for the council.

#### AGENCY ARRANGEMENTS

146. The council is acting as agent for another local authority and that authority specifies the use of alternative procedures or has chosen the contractor using its own selection procedures.

#### EXCEPTIONS AUTHORISED BY THE CABINET OR RELEVANT CABINET MEMBER OR COMMITTEE

147. If any other exceptions are specifically authorised by the Cabinet or relevant Cabinet member or a Committee.

#### **Approved lists – compilation and maintenance**

148. Heads of service may compile approved lists for use in relation to future contracts for works, supplies/goods and services (including consultancy).

149. Approved lists shall be available for corporate use.

150. Approved lists shall be compiled following advertisement in:

- (a) on the council's website or Portal
- (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My tenders, Contracts Finder, Constructionline; and
- (e) in the Official Journal of the European Union (OJEU)/tenders Electronic Daily (TED) where appropriate or required by law.

151. A minimum period of four weeks shall be given to respond to the advertisement.

152. All contractors responding to the advertisement shall be invited to complete an application form, including where appropriate, a pre-qualification questionnaire, to provide the basis for inclusion on the approved list.

153. Approved lists shall be compiled on the basis of categories of works, supplies/goods or services and appropriate maximum contract values shall be applied to individual contractors.

154. The minimum number of contractors on an approved list shall be six.

155. Approved lists shall be submitted to the Cabinet or relevant Cabinet member or a Committee for approval.
156. Approved lists shall be reviewed at least every five years.
157. Heads of Service may add contractors to an existing approved list subject to suitability following assessment and evaluation.
158. Contractors on approved lists shall be required to advise the council of any changes in circumstances relevant to their inclusion.
159. Heads of service shall have discretion to remove contractors from an approved list because of changes in circumstances or poor performance.
160. Strategic directors shall provide an appeals procedure for contractors refused admission or excluded from an approved list.

## **Contract management**

### MANAGING CONTRACTS

161. Heads of service shall name contract managers for all contracts for the entirety of the contract period. Contract managers shall follow the contract management requirements agreed in the contract and information available on the procurement intranet.

### CONTRACT MONITORING, EVALUATION AND REVIEW

162. All contracts which have a value higher than the EU Threshold limits, or which are considered high risk, shall be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the head of service and strategic director.
163. For all contracts with a value higher than the EU Threshold limits, or which are high risk, an annual report shall be submitted to the Scrutiny Committee.

**Appendix A**  
**Application of contracts procedure rules requirements**

<b>Contract Value</b>	<b>One Written quotation</b>	<b>Three Written quotations</b>	<b>Tenders</b>	<b>Tenders Opened by officers or Validator</b>	<b>Acceptance of tenders by officers</b>	<b>Acceptance of tenders by relevant Cabinet/member or Committee</b>	<b>Order / Contract Signed by head of service</b>	<b>Contract Approved and Sealed by HLDS</b>	<b>Bond Required</b>
Up to £10,000	Yes	Optional	No	N/A	N/A	N/A	Yes	Optional	N/A
£10,001 - £75,000	No	Yes	Optional	Yes	If within Budget	If exceeds Budget	Yes	Optional	N/A
£75,001 - EUT	No	No	Yes	Yes	No	Cabinet member	No	Yes	Risk Assessment must be carried out
Over EUT	No	No	Yes/EU	Yes	No	Cabinet or relevant Cabinet member or committee	No	Yes	Risk Assessment must be carried out

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# Officer employment procedure rules

## Recruitment and appointment

### 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, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of 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 strategic director or an officer nominated by him/her.

### 2. Seeking support for appointment.

- (a) 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 (c), no councillor will seek support for any person for any appointment with the council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application.

## RECRUITMENT AND APPOINTMENT OF HEAD OF THE COUNCIL'S PAID SERVICE AND STRATEGIC DIRECTORS

### 3. Where the council proposes to appoint the head of the council's paid service or a strategic director the council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (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; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (3) (a) to be sent to any person on request.

## APPOINTMENT AND DISMISSAL OF STRATEGIC DIRECTORS AND STATUTORY OFFICERS

- 4. The full Council will approve the appointment or dismissal of the head of the council's paid service and strategic directors, or the dismissal of the monitoring officer or chief finance officer, following the recommendation of such an

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appointment or dismissal by the joint staff committee. The joint staff committee must include at least one member of the Cabinet. No offer of appointment may be made, or notice of dismissal given, until the council has approved any recommendation to that effect.

5. The full Council may not make or approve the appointment of the head of the council's paid service or a strategic director until:
  - (a) the joint staff committee has notified the head of HR, IT and technical services (head of HR) of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
  - (b) the head of HR has notified every member of the Cabinet of:
    - (i) the name of the person to whom the joint staff committee wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of HR; and
    - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of HR; and
  - (c) either:
    - (i) the leader of the council has, within the period specified in the notice under rule (5)(b) above notified the joint staff committee that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;
    - (ii) the head of HR has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
    - (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.
6. The full Council may not give notice of the dismissal of the head of the council's paid service, the monitoring officer, the chief finance officer or a strategic director until:
  - (a) the joint staff committee has notified the head of HR of the name of the person whom the joint staff committee wishes to dismiss and any other particulars which the joint staff committee considers are relevant to the dismissal;
  - (b) the head of HR has notified every member of the Cabinet of:
    - (i) the name of the person who the joint staff committee wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the joint staff committee has notified to the head of HR and
    - (iii) the period within which any objection to the dismissal is to be made by the leader of the council on behalf of the Cabinet to the head of HR; and

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- (c) either:
- (i) the leader of the council has, within the period specified in the notice under rule (6)(b) above notified the joint staff committee that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
  - (ii) the head of HR has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
  - (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

## DISCIPLINARY ACTION AGAINST STATUTORY OFFICERS

### 7. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the council’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the council under section 102(4) of the Local Government Act 1972 for the purposes of advising the council on matters relating to the dismissal of relevant officers of the council;
- (f) “relevant meeting” means a meeting of the full Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief finance officer, head of the council’s paid service or monitoring officer, as the case may be.

8. A relevant officer may not be dismissed by the council following disciplinary action unless the procedure set out in the following paragraphs is complied with.
9. The council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
10. In rule 9 “relevant independent person” means any independent person who has been appointed by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another council or councils as the council considers appropriate.
11. Subject to rule 12, the council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with rule 3 in accordance with the following priority order—
- (a) a relevant independent person who has been appointed by the council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the council;

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- (c) a relevant independent person who has been appointed by another council or councils.
12. The council is not required to appoint more than two relevant independent persons in accordance with rule 11 but may do so.
13. The council must appoint any Panel at least 20 working days before the relevant meeting.
14. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the full Council must take into account, in particular—
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
15. Any remuneration, allowances or fees paid by the council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

## **Officers below strategic directors**

### **APPOINTMENT**

16. The appointment of officers below strategic director (other than assistants to political groups) is the responsibility of the head of the council's paid service or his/her nominee, and may not be made by councillors.
17. The appointment of an assistant to a political group, as defined in the Local Government and Housing Act 1989, shall be made in accordance with the wishes of that political group.

### **DISMISSAL**

18. Councillors will not be involved in the dismissal of any officer below strategic director, other than the monitoring officer or chief finance officer as set out in rules 4 and 6 above.

### **DISCIPLINARY ACTION**

19. Councillors will not be involved in disciplinary action against any officer below strategic director, other than the monitoring officer or chief finance officer as set out in rules 7 to 15 above.



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# **Budget and policy framework procedure rules**

## **The framework for Cabinet decisions**

1. The Council will be responsible for the adoption of its budget and policy framework as set out in this section of the constitution. Once a budget or a policy framework is in place, it will be Cabinet's responsibility to implement it.

## **Process for developing the framework**

2. The process to develop the budget and policy framework is:
  - (a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. This will be published in the Cabinet work programme.
  - (b) The Cabinet report will set out details of any consultation on the proposals.
  - (c) Once the Cabinet has finalised its proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
  - (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or, subject to paragraphs (e) and (f) substitute its own proposals in their place.
  - (e) If the Council accepts the Cabinet's recommendation without amendment, it may make a decision that has immediate effect. If it objects to any of the proposals, it must inform the leader and instruct him/her to require the Cabinet to reconsider the proposals in light of the objections. In relation to budget proposals, such reconsideration must take place within the period specified by the Council, which shall be not less than five working days. In relation to policy framework matters, such reconsideration shall take place at the next Council meeting.
  - (f) Following reconsideration by the Cabinet, the leader may submit revised proposals to the Council, together with reasons for the amendments, or inform the Council of any disagreement the Cabinet has with the Council's objections. The Council may approve the Cabinet's proposals, or take a different decision, having taken into account any amendments the Cabinet made to its original proposals, the reasons for the amendments, any disagreement the Cabinet has with the Council's objections and the reasons for that disagreement. The Council's decision at that meeting shall be final and effective immediately.
  - (g) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 9 to 11 of these rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

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## **Decisions outside the budget or policy framework**

3. Subject to the provisions of paragraph 9 and 10 (virement), Cabinet decisions may only be taken if they are in line with the budget and policy framework. If a decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, that decision may only be taken by the Council, subject to paragraphs 5 to 8 below.
4. Cabinet shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision it wants to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

## **Urgent decisions outside the budget or policy framework**

5. Cabinet may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency or in the event of a disaster or emergency. An urgent decision may only be taken:
  - (a) if it is not practical to convene a quorate meeting of the full Council; and
  - (b) if the chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.
6. The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the relevant Scrutiny Committee the consent of the vice-chairman of the Scrutiny Committee or the chairman of the Council, and in the absence of both, the vice-chairman of Council, will be sufficient.
7. In cases of disaster or emergency, heads of service may take decisions outside of the policy framework and, with the approval of the chief finance officer, shall be authorised to approve expenditure outside of the budget in accordance with the financial procedure rules.
8. Following a decision taken as a matter of urgency, or in the case of a disaster or emergency, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as such a matter.

## **Virement and supplementary estimates**

9. The Council will have approved the revenue cost centres and capital projects as set out in the approved revenue budget and capital programme, which will be agreed annually.
10. In implementing council policy, the Cabinet, or officers discharging Cabinet functions, shall not exceed those budgets. However, they may vire between revenue budgets or between capital projects, and agree supplementary estimates in accordance with the procedures and limits set out in the financial procedure

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rules. Beyond these limits, approval to any virement or supplementary estimate shall require the approval of the full Council.

### **In-year changes to policy framework**

11. No changes to any policy or strategy which make up the policy framework may be made by the Cabinet, or officers discharging Cabinet functions, except those changes which:
- (a) will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;
  - (b) are necessary to ensure compliance with the law, ministerial direction or government guidance; and
  - (c) would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

### **Call-in of decisions outside the budget or policy framework**

12. Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
13. The monitoring officer's and/or chief finance officer's report shall be submitted to the Cabinet and be made available to every councillor. Regardless of whether the decision is delegated or not, Cabinet must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
14. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, a the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may:
- (d) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework; or
  - (e) amend the council's financial procedure rules or policy concerned to encompass the decision or proposal and agree to the decision with immediate effect; or

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- (f) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

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# Code of conduct

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members<sup>1</sup> of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

## SELFLESSNESS

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

## OBJECTIVITY

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

## ACCOUNTABILITY

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

## OPENNESS

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

## HONESTY AND INTEGRITY

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

## LEADERSHIP

8. 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 in a way that secures or preserves public confidence.

## GENERAL OBLIGATIONS

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<sup>1</sup> A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

a) is a member of any committee or sub-committee of the council, or

b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

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9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law.
  10. You must not bully any person.
  11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
  12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
    - (a) you have the consent of a person authorised to give it;
    - (b) you are required by law to do so;
    - (c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - (d) the disclosure is:
      - (i) reasonable and in the public interest; and
      - (ii) made in good faith and in compliance with the reasonable requirements of the council.
  13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
  14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
  15. When using or authorising the use by others of the resources of the council:
    - (a) you must act in accordance with the council's reasonable requirements; and
    - (b) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

## REGISTERING AND DECLARING INTERESTS

16. You must, within 28 days of taking office as a member or co-opted member, notify the council'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, as follows:

Subject	Prescribed description
Employment, office, trade,	Any employment, office, trade, profession or vocation carried on for profit or gain.

Subject	Prescribed description
profession or vocation	
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).</p>
Contracts	<p>Any contract which is made between the people referred to in paragraph 16 (or a body in which the relevant person has a beneficial interest) and the council -</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the council.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body in which you or those referred to in paragraph 16 have a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either -</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or those referred to in paragraph 16 has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a ‘sensitive interest’<sup>2</sup>.
  18. Following any disclosure of an interest not on the council’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.
  19. 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. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

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<sup>2</sup> A “sensitive interest” is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council’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.



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# Councillors' planning code of practice

## Introduction

1. This code:
  - (a) was originally prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning and has been updated to reflect changes in law and practice since that was issued;
  - (b) is based on a model code which was prepared by the Lawyers in Local Government; and
  - (c) applies to:
    - (i) all councillors at all times when involving themselves in the planning process (This includes, where applicable, when part of decision making meetings of the council in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings); and
    - (ii) both planning applications and to enforcement matters.

## Relationship to the councillors' code of conduct

2. **DO** apply the rules in the councillors' code of conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by the council, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
3. **DO** then apply the rules in this councillors' planning code, which seek to explain and supplement the councillors' code of conduct and the law on decision making for the purposes of planning control. If you do not abide by this councillors' planning code, you may put:
  - the council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

If you have any questions you should seek advice from the monitoring officer or their staff preferably well before any meeting takes place.

## The planning system – the committee members' role

4. The key purpose of the planning system is to manage development in the public interest. The members' role is to make planning decisions:
  - openly and transparently;
  - impartially; and
  - for justifiable planning reasons.

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You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have taken into account all material considerations and have given fair consideration to relevant points raised.

5. To ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

### **Key points (golden rules)**

6. Planning decisions involve a balance between private and public interests where opposing views are often strongly held.
7. Your overriding duty is to the whole community not just to the people in your ward.
8. Decisions must not only be impartial they must be seen to be impartial by any reasonable observer. You should not favour, or appear to favour, any person, company, group or locality. You should not give the appearance of pre-judging (“pre-determining”) the matter before it is considered by the committee.
9. Planning decisions must be made in accordance with the statutory development plan unless material planning considerations indicate otherwise.
10. The advice of officers involved in the determination of planning matters will be presented on the basis of their overriding obligation of professional independence.
11. You may think that material planning considerations outweigh the development plan, or take a different view of the planning balance than is contained in the officer recommendations. You are fully entitled to do so but you will need to make sure that you can clearly identify and support the planning reasons leading to this conclusion/decision. Advice should still be sought from planning officers in relation to setting out the rationale for your decision.

### **Disclosable pecuniary interests**

12. **DO**, as soon as you become aware that you have a **disclosable pecuniary interest** in any matter to be discussed at a meeting, make a verbal disclosure of that interest.
13. **DO** leave the meeting before that matter is discussed or, if you realise after the discussion has begun, as soon as you have made your disclosure.
14. **DO NOT** participate in the discussion or vote on a matter in which you have a **disclosable pecuniary interest** unless you have been granted a dispensation.

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15. **DO** notify the monitoring officer of your **disclosable pecuniary interest** in writing within 28 days of your disclosure unless it is already included on your register of interests form published on the council's web site.
  16. **DO** seek advice from the monitoring officer if you are in any doubt about what to do.
  17. **DO** take into account when approaching a decision that the Principle of Integrity is defined in terms that:

*“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships”.*

## **Bias and predetermination**

### WHERE YOU HAVE A DISCLOSABLE PECUNIARY INTEREST

18. **DO NOT** get involved in the processing of the application.
19. **DO NOT** attend any formal or informal meeting about the application or seek to speak at meetings.
20. **DO NOT** try to represent local ward views: get another ward/local councillor to do so instead.
21. **DO NOT** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
22. **DO NOT** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor. This would include, where you have a **disclosable pecuniary interest** in a proposal, using your position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
23. **DO** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a **disclosable pecuniary interest** to an appropriate officer (in person or in writing), the code places greater expectations as to conduct than would be imposed on a normal member of the public.

### YOUR OWN PROPOSALS

24. **DO** notify the monitoring officer, in writing, of your own proposals and those where you act as agent for a third party (this notification should be made as soon as possible and no later than the submission of the application) and ensure you have completed the application form correctly (this requires councillors to disclose their position). These proposals may be reported to the committee as main items and not dealt with by officers under delegated powers. It is advisable

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that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at committee.

#### WHERE YOU HAVE NO DISCLOSABLE PECUNIARY INTEREST

25. You may take part in the decision making process but need to take account of the following points:

#### EXERCISING YOUR JUDGEMENT

26. **DO NOT** fetter your discretion and therefore your ability to participate impartially in planning decision making by making up your mind (“pre-determination”), or even appearing to make up your mind, on a planning matter in advance of the committee meeting and of your hearing the arguments on both sides. You may put the council at risk of legal proceedings.
27. **DO** follow any guidance issued by the monitoring officer on bias and predetermination.
28. **DO** consider whether a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased and **NOT** do you think you were biased (which would be subjective).
29. Planning decisions should only be taken with knowledge of all the relevant considerations, including responses to consultations where relevant. The officers’ reports are intended to bring together all relevant considerations, and further matters may arise at the committee meeting. It is therefore not possible to come to a firm decision in advance of the meeting. You may have a preliminary view as to how you will decide a particular matter (“pre-disposition”) but you must keep an open mind at the meeting.

#### WHERE YOU HAVE FETTERED YOUR DISCRETION

30. **DO NOT** speak and vote on the proposal at the meeting.
31. Although you are not required to withdraw from the meeting, you may prefer to do so to avoid any complaint that your presence influenced the decision.
32. You can still exercise your separate rights as local councillor where you have fettered your discretion. If you do exercise that right:
- advise the monitoring officer or chairman that you wish to speak in this capacity before the meeting starts; and
  - remove yourself from the committee table for the duration of that item.

#### THE DISTRICT COUNCIL’S OWN PROPOSALS

33. **DO** be aware that you are likely to have fettered your discretion where the council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than just a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or

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advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits). The best advice in these circumstances is not to take part in the decision or vote on the proposals.

#### PARTICIPATION IN DISCUSSIONS OF CONSULTEE BODIES

34. Councillors may have a dual role, as councillors of organisations that are consulted on planning proposals and as members of the Planning Committee. In those circumstances:-
35. You may take part in discussions of the consultee body on the proposal **IF** you make it clear to the consultee body that:
- (a) your views are expressed on the limited information before you only, **AND**
  - (b) you must reserve judgement and the independence to make up your own mind on the proposal based on your overriding duty to the whole community and not just to the constituents of that body, **AND**
  - (c) you will not commit yourself as to how you or others may vote when the proposal comes before the Planning Committee.

#### HOW TO DEAL WITH LOBBYING

36. **DO** remember that your overriding duty is to the whole community not just to the people in your ward. You need to make decisions impartially. Make sure that you do not favour, or appear to favour, any person, company, group or locality.
37. **DO NOT** declare the way you intend to vote.
38. **DO NOT** express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority unless you make it very clear that you will only make up your mind at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
39. **DO** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
40. Unless you have a **disclosable pecuniary interest**, you may:
- (a) listen/receive viewpoints from residents or other interested parties;
  - (b) make comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to pre-determining the issue and you make clear you are keeping an open mind;
  - (c) seek information through appropriate channels; or
  - (d) be a vehicle for the expression of opinion or speak at the meeting as a local councillor, provided that, if you are a member of the committee, you explain your actions at the start of the meeting/item and make it clear that, having

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expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

## **Dealing with particular groups**

### **APPLICANTS/DEVELOPERS**

41. **DO** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.
42. **DO NOT** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (Councillors do not normally take part in officers' discussions with applicants before a decision is taken, unless there are clear guidelines published by the council to protect and assist councillors and officers. Where you do become involved, you should be advised by the appropriate officers and the discussions should be recorded as a written file note.)
43. **DO** ensure that you report to the development manager any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
44. **DO** make it clear that you will only be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at committee.
45. **DO** consider whether it would be prudent to make notes of what is said if no officer is present.

### **LOBBY GROUPS**

46. **DO NOT** become a member of, lead or represent a lobby group seeking to promote or oppose planning proposals. If you do and you are a member of the committee, you will have fettered your discretion.
47. **DO** copy or pass on any lobbying correspondence you receive to the head of planning at the earliest opportunity.
48. **DO NOT** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

### **POLITICAL GROUPS**

49. **DO NOT** decide how to vote at any sort of political group meeting, or press any other councillor to do so, in advance of the meeting at which any planning decision is to be taken. Political group meetings must never dictate how councillors should vote on a planning issue.

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## PRESENTATIONS

50. **DO NOT** attend private presentations or exhibitions unless they have been organised by officers or an agreement has been reached as to whether an officer is required to be present. This is particularly important if you may sit on the Planning Committee.
51. **DO** ask relevant questions for the purposes of clarifying your understanding of the proposals.
52. **DO** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate committee of the planning authority.
53. **DO** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other councillors might vote.

## UNDUE OR EXCESSIVE LOBBYING

54. **DO** inform the monitoring officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The monitoring officer will in turn advise the appropriate officers to follow the matter up.

## GIFTS AND HOSPITALITY

55. Be careful about accepting gifts or hospitality wherever possible. If some hospitality is unavoidable, ensure that it is not excessive or inappropriate. Whilst not a **disclosable pecuniary interest**, a councillor, nevertheless, has the option of registering this so as to demonstrate openness and transparency to avoid any allegation of corruption or impropriety.

## DEALINGS WITH OFFICERS

56. **DO NOT** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views on the proposal, which may be incorporated into any committee report.)
57. **DO** recognise that officers are part of a management structure and only discuss a proposal, except in any formal meeting, with a head of service or those officers who are authorised by their head of service to deal with the proposal at a councillor level.
58. **DO** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the council's code of conduct for officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' advice, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.

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## Site visits

- 59. **DO** provide planning reasons to justify the need for a formal site visit.
- 60. **DO NOT** request a site visit unless you feel it is strictly necessary.
- 61. **DO** vote for a site visit to take place only if you intend to attend.
- 62. **DO** try to attend site visits organised by the council where possible.
- 63. **DO** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
- 64. **DO NOT** express opinions or views to anyone.
- 65. **DO** ask questions or seek clarification of matters that are relevant to the site inspection.
- 66. **DO NOT** hear representations from the applicant or third parties with the exception of ward councillors whose address must focus only on site matters.
- 67. **DO NOT** visit a site on your own, even in response to an invitation, as this may give the impression of bias. There is nothing preventing you from viewing a particular site from the public highway but remember you do not have a right to enter private land. Exceptionally, where there is no organised site visit, and with the prior approval of the development manager, the local councillor or in appropriate circumstances other councillors, may ask for an individual site visit accompanied by an officer.

## Communication with the public at committee meetings

- 68. **DO NOT** allow members of the public (or fellow councillors if you are a town or parish councillor) to otherwise communicate with you (orally or in writing) during the committee's proceedings, as this may give the appearance of bias. This includes all forms of electronic communications.

## Making decisions

- 69. **DO** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless material considerations indicate otherwise.
- 70. **DO** come to your decision only after due consideration of all of the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request it. If necessary, defer or refuse the application - whichever is appropriate.



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71. **DO NOT** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
  72. **DO** ensure that, if you request a proposal to go before the committee rather than be determined through officer delegation, your planning reasons are recorded and repeated in the report to the committee.
  73. **DO** have recorded the reasons for any committee decision to defer a proposal.
  74. **DO NOT** take part in the meeting's discussion or voting on a proposal if the application site is located in your ward (you may address the committee as ward councillor (unless you have a disclosable pecuniary interest in the matter)).

#### WHERE THE OFFICERS' RECOMMENDATION IS NOT ACCEPTED

75. Decisions on planning matters (unless delegated to officers) are ultimately for councillors to make. But decisions, whoever makes them, must be made in accordance with the development plan unless material considerations indicate otherwise.
76. If the officers' recommendation is not to be followed, equally robust planning reasons for the decision must be given at the meeting and minuted. Those reasons must be capable of being defended at any subsequent appeal.
77. Officer reports will include a recommendation based on an assessment of the proposal against the development plan and material considerations, including those arising from the representations made by the applicant and consultees. The reasons for the recommendation will be set out in the report. If councillors take a different view at the meeting, they will need to provide equally argued planning reasons. If on reading the officer report, you form an initial impression that leads you to be pre-disposed to go against the recommendation, it may help to discuss tentative reasons with officers before the meeting.
78. **DO** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

#### PROCEDURE IF OFFICERS' ADVICE IS NOT TO BE FOLLOWED:

79. Proposer and/or seconder to set out planning reasons for the proposal.
80. Officers to be given time to comment on those reasons and their ability to withstand challenge through the appeal procedures.
81. Chairman may adjourn briefly for proposer and seconder to discuss and formulate reasons with officers, reconvening for a vote and for reasons to be fully recorded. If chairman concludes that there are opposing views amongst

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committee members he may take a vote on the proposal without adjourning for discussion with officers. In such circumstances the planning reasons for the proposal should be set out in detail before the vote is taken.

## Training

82. **DO NOT** participate in decision making at meetings dealing with planning decisions if you have not attended any mandatory planning training prescribed by the council.
83. **DO** try to attend any other specialised training sessions provided. These will be designed to extend your knowledge of planning law, regulations, procedures, codes of practice and the development plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

## Sanctions (including offences)

84. If you do not follow this code, you may put:

- (a) the Council at risk of proceedings on legality or of maladministration;
- (b) yourself at risk of breaching the councillors' code of conduct.

85. It is a criminal offence (without reasonable excuse), if you are aware that you have a **disclosable pecuniary interest** in a matter being considered at a meeting:

- (a) not to disclose that interest (unless it is already registered)
- (b) to participate in any discussion or vote on that matter.

## EXTERNAL SANCTIONS

86. These include:

### LOCAL GOVERNMENT OMBUDSMAN

87. The Ombudsman can investigate the process by which a planning decision has been taken (though not the decision itself). If injustice caused by maladministration is found, the report may name the councillor involved and give particulars of the breach. The report may be made publicly available.

### APPEALS TO THE SECRETARY OF STATE

88. If an appeal is lodged and the council is found to have been unreasonable (for example by making a decision for inadequate planning reasons) the appellant's costs may be awarded against the council.

### JUDICIAL REVIEW

89. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.

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# **Departure procedure on planning applications**

## **Stage 1**

1. During the registration of a planning application, or as soon as possible thereafter, the head of planning will identify whether the proposals constitute a departure from the development plan that needs to be publicised by the display of a site notice and advertisement in a local newspaper. The County Council will be consulted in accordance with the agreed code of conduct.

## **Stage 2**

2. Unless the application is determined in accordance with the powers delegated to officers, the application will be reported to the Planning Committee.
  - (i) If the application is recommended for approval, the report will identify that the proposal has been advertised as a departure from the development plan.
  - (ii) If the application is recommended for refusal, the report will contain the recommended reasons for refusal, including reference to any planning policies with which the proposal is considered to conflict.

## **Stage 3**

3. The head of planning will advise whether the application is to be referred to the Secretary of State for the Environment in accordance with legislation.
4. If the Planning Committee resolves to grant planning permission, including any appropriate conditions and/or planning obligation, subject to the Secretary of State deciding not to intervene, and if the Secretary of State subsequently does not intervene, the application will be determined in accordance with the Planning Committee's resolution.

## **Judicial Review**

90. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.

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# Delivering good governance: the local code of governance

## Background

1. This document is based on the “*delivering good governance in local government*” publication produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) which was published in July 2007.
2. Before this in 2001, CIPFA in conjunction with SOLACE developed the first governance code “*corporate governance in local government – a keystone for community government: framework*”. This was based on principles identified by Cadbury (1992), the Nolan Committee (1995) and the work of the former Department of the Environment, Transport and the Regions (DETR).

## Aims

3. The aim of this document is to provide a best practice framework for developing and maintaining a locally accepted code of governance based on the 2007 publication *delivering good governance in local government*.
4. Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users.
5. Good governance will enable South Oxfordshire and Vale of White Horse district councils to pursue their vision effectively as well as underpinning that vision with mechanisms for control and management of risk.
6. South Oxfordshire and Vale of White Horse district councils aim to meet the highest standards of governance through this governance code.

## Responsibilities

7. Councillors are collectively responsible for the governance of the council. Councillors’ responsibilities include:
  - (a) agreeing the councils’ constitution comprising the key governance documents including the executive arrangements and making major changes to reflect best practice;
  - (b) agreeing the policy framework; and
  - (c) agreeing the budget.
8. The Cabinet is responsible for:
  - (a) proposing the policy framework;
  - (b) proposing the budget; and
  - (c) implementing the policy framework.

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9. The chief executive advises councillors on policy and necessary procedures to drive aims and objectives of the authority. The chief executive leads a management team.
  10. The section 151 officer, the monitoring officer and heads of service are responsible for advising the Cabinet and Scrutiny Committees on legislative, financial and other policy considerations to achieve aims and objectives of the councils and are responsible for implementing councillors' decisions and for service performance.
  11. The Joint Audit and Governance Committee is responsible for considering and making recommendations on governance matters and for agreeing a revised code of governance.
  12. Officers will update action taken by the councils to meet the requirements of this framework and report on it to the Joint Audit and Governance Committee annually.
  13. To develop this local code of governance we have reviewed our existing governance arrangements against CIPFA/SOLACE's framework document.
  14. In doing so we have identified our systems, processes and documentation that provide evidence of compliance. We identify those responsible for monitoring and reviewing the systems, processes and documentation identified and those responsible for undertaking the actions required and plan accordingly.
  15. We will review, develop and maintain our local code of governance on an annual basis to ensure its ongoing application and effectiveness.
  16. On an annual basis we will prepare a governance statement in order to report publicly on the extent to which South Oxfordshire and Vale of White Horse district councils comply with the code of governance including how we have monitored the effectiveness of the governance arrangements in the year and on any planned changes in the coming year.

## **Governance**

17. Governance is an interrelated system bringing together an underlying set of:
  - legislative requirements;
  - governance principles; and
  - management processes.
- 2.
18. Governance is about doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
19. It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

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## **The principles and supporting principles of good governance**

20. CIPFA/SOLACE have adopted six principles of good governance from *The Good Governance Standard for Public Services* (2004) developed by the Independent Commission on Good Governance in Public Services with support from the Office for Public Management and CIPFA. These have been adapted for local government purposes.
21. The following sets out these principles, which in turn have supporting principles each of which in turn translates into a range of specific requirements as set out in the tables at the end of this document.

### **Principle: focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**

- The function of governance is to ensure that authorities, other local government organisations or connected partnerships fulfil their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.
- Local government bodies need to develop and articulate a clear vision of their purpose and intended outcomes for citizens and service users that is clearly communicated, both within the organisation and to external stakeholders.

### **Principle: councillors and officers working together to achieve a common purpose with clearly defined functions and roles**

- The governing body of an organisation has overall responsibility for directing and controlling that organisation. In local government the governing body is the full council or authority.

### **Principle: promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

- Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated as behaviour.
- Good governance builds on the seven principles for the conduct of people in public life that were established by the committee on Standards in Public Life, known as the Nolan Principles. In England, the Local Government Act 2000 outlined ten principles of conduct – an additional three to those identified by Nolan – for use in local government bodies.
- A hallmark of good governance is the development of shared values, which become part of the organisation's culture, underpinning policy and behaviour throughout the organisation from the governing body to all staff. These are in addition to compliance with legal requirements on, for example, equal opportunities and anti-discrimination.

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**Principle: taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

- Decision making within a good governance framework is complex and challenging. It must further the organisation's purpose and strategic direction and be robust in the medium and longer terms. To make such decisions, councillors must be well informed.
- Councillors making decisions need the support of appropriate systems, to help to ensure that decisions are implemented and that resources are used legally and efficiently.
- Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective.

**Principle: developing the capacity and capability of councillors and officers to be effective**

- Effective local government relies on public confidence in councillors, whether elected or appointed and in officers. Good governance strengthens credibility and confidence in our public services.
- Authorities need people with the right skills to direct and control them effectively. Governance roles and responsibilities are challenging and demanding and councillors need the right skills for their roles. In addition, governance is strengthened by the participation of people with many different types of knowledge and experience.
- Good governance means drawing on the largest possible pool of potential councillors to recruit people with the necessary skills. Encouraging a wide range of people to stand for election or apply for appointed positions will develop a councillorship that has a greater range of experience and knowledge. It will also help to increase the diversity of councillors in terms of age, ethnic background, social class, life experiences, gender and disability. This concept should be borne in mind when councillors are appointed to the boards of other public service organisations.

**Principle: engaging with local people and other stakeholders to ensure robust public accountability**

- Local government is accountable in a number of ways. Elected councillors are democratically accountable to their local area and this gives a clear leadership role in building sustainable communities. All councillors must account to their communities for the decisions they have taken and the rationale behind those decisions.

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- All authorities are subject to external review through the external audit of their financial statements. They are required to publish their financial statements and are encouraged to prepare an annual report. Many are subject to national standards and target. Their budgets are effectively subject to significant influence and overview by government, which has powers to intervene. Both councillors and officers are subject to codes of conduct. Additionally, where maladministration may have occurred, an aggrieved person may appeal either through their local councillor directly to the ombudsman.
22. Each of the above principles translates into supporting principles and aims for South Oxfordshire and Vale of White Horse district councils.



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# Protocol on councillor/officer relations

## Introduction

1. The purpose of this document is to provide a guide to good working relationships between officers and councillors.

## The respective roles of councillors and officers

2. Councillors are elected and represent their constituents. Under the council's executive arrangements, councillors perform roles on the Cabinet, the Scrutiny Committees and other committees and sub-committees in addition to sitting as members of the full Council. Some councillors represent the council on outside bodies.
3. Officers are employed by and serve the whole council. They advise the council, its committees and the Cabinet. They implement decisions of the council, the Cabinet and committees and make decisions under powers delegated to them.
4. Officers are responsible to their line manager and, ultimately, to the chief executive. The chief executive is accountable to the whole council. Some senior officers have specific statutory responsibilities, including the chief executive, as the head of paid service, head of finance (chief financial officer, section 151, Local Government Act 1972) and the monitoring officer.
5. Heads of service have responsibility for delivering their respective services in accordance with the principles set out in the constitution.

## Officers' advice and political neutrality

6. Officer advice and support will be provided to:
  - Council meetings;
  - meetings of the Cabinet and any committees established by the Cabinet;
  - Cabinet members;
  - meetings of the Scrutiny Committees and other committees/sub-committees;
  - task groups/fora, etc.;
  - Chairmen/vice-chairmen of Council, committees and sub-committees;
  - all councillors on council business.

Officers will also provide advice and assistance to individual councillors in respect of council business, including issues raised by constituents, where appropriate.

7. Officers must not advise upon matters of party business or private matters.

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8. All officers must treat political groups and individual members in a fair and even-handed manner. Officers must maintain political neutrality and councillors must respect this.
  9. The chief executive and heads of service may be invited to attend political group meetings. Where such an invitation is accepted, the same opportunity will be afforded to all other political groups.
  10. Political group meetings fall outside the council's decision-making process. Conclusions reached at such meetings are not formal council decisions and so should not be relied upon as such.

### **Officers' advice on declarations of interest**

11. All councillors are required to abide by the councillors' code of conduct, which sets out standards governing their conduct. The monitoring officer and head of legal and democratic services will provide advice and information to councillors on declarations of interest. However, councillors will know the nature and extent of any interest they may have. It is the councillor's responsibility, therefore, to decide whether any interest should be declared. Councillors are normally expected to seek advice prior to a meeting; raising such issues for the first time at a public meeting can place officers in a difficult position, and does not reflect well on the council. Officers must, when requested to do so, respect councillors' confidentiality when providing advice on declarations of interest but may otherwise draw to a councillor's attention the need to declare a known interest.

### **Personal relationships**

12. Close personal familiarity between individual councillors and officers can damage working relationships and prove embarrassing to other councillors and officers. There is the danger of favouritism being shown to a particular councillor or officer. There may be a risk that confidential information will be passed to a councillor.
13. For these reasons, such personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
14. A councillor must declare to the chief executive and his/her respective group leader any relationship with an officer that might be seen as influencing his/her work as a councillor. This includes a family or close personal relationship. Similarly, the officer concerned should notify his/her line manager. In the case of the chief executive, then all group leaders should be notified.

### **Appointment of officers**

15. The constitution contains rules of procedure for the appointment of staff. Councillors cannot appoint staff below chief officer level. Where councillors are

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involved in making appointments, they must not take any part in the appointment of anyone to whom they are:

- (a) married;
- (b) a partner;
- (c) otherwise related;
- (d) a close friend; or
- (e) a business associate.

16. Councillors may be involved in interviewing internal candidates who will be well known to them. On such occasions, councillors must not allow that knowledge to influence their judgement one way or the other.

### **Undue pressure**

17. A councillor should not apply undue pressure on an officer to do anything that he/she is not empowered to do, or which is against the officer's professional judgement, or to undertake work outside normal duties or normal hours.

18. Similarly, an officer must not seek to influence an individual councillor to make a decision in his/her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees, except in accordance with any agreed council procedure or in accordance with law. Councillors who receive any such approach from an officer should advise the chief executive and/or the relevant head of service immediately. The council has formal procedures for consultation, grievance and discipline, etc. dealing with these matters.

19. Councillors may contact officers for information/advice about matters relating to officers' responsibilities. Councillors are expected to exercise caution when approaching junior staff who may feel intimidated by such approaches. Heads of service are responsible for organising their staff's workloads and priorities. Councillors should not ask individual members of staff below head of service level to carry out work or research which might involve staff in spending considerable time on matters that may not necessarily form part of the priorities of the particular service. In addition, councillors must not request individual members of staff to attend meetings or visit particular sites. All such requests must be made to the relevant head of service, who will decide whether or not the work should be carried out.

20. Generally speaking, councillors should make appointments to speak to officers. It can be disruptive to walk in unannounced, and this should be avoided wherever possible.

### **Officers' reports and advice**

21. The head of service named in a report to the council or any part of its formal decision-making structure will always be fully responsible for the contents of it. Under scrutiny arrangements, an officer can be held responsible for the contents of his/her reports or advice and be required to answer for the advice given.

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22. All reports are the responsibility of heads of service, who will ensure that consultations are undertaken, where appropriate, with committee/sub-committee chairmen, ward councillors or other particular councillors.

### **Officer decisions made under delegated powers**

23. Officers may make decisions under powers delegated to them pursuant to the scheme of delegation or by specific authority from the Council, Cabinet or committee or sub-committee. It must be recognised that it is the officer, and not any councillor, who takes the action and it is the officer who is accountable for it.
24. Officers will at all times exercise delegated powers in accordance with the principles of the scheme of delegation. In particular, they will comply with the requirement to consult relevant councillors, and will keep ward councillors informed, where appropriate, of decisions affecting their wards.

### **The officer relationship with the leader and other Cabinet members**

25. The working relationship between the chief executive, heads of service and the leader/Cabinet members will be particularly close. Cabinet members will have broad-ranging responsibilities and have some individual executive powers. Officers may provide briefing notes, advice and information to the Cabinet members in respect of reports or questions at formal meetings. This relationship, however, must not:
- (a) compromise officers' duties to all councillors;
  - (b) be so close as to give the appearance of partiality on the part of the officer;
  - (c) undermine the confidentiality of any discussions between senior officers and other councillors;
  - (d) compromise officers' professional responsibility to advise councillors that a particular course of action should/should not be pursued; or
  - (e) abrogate officer responsibility for action taken under delegated powers.

### **Constructive criticism/complaints**

26. It is important that there should be mutual courtesy between councillors and officers. It is important that there are reasonable standards of courtesy and no councillor or officer should seek to take unfair advantage of their position.
27. Councillors and officers should not undermine respect for the other at Council meetings or at any other meeting they attend in their capacity as a councillor or council employee. A personal attack by a councillor on a member of staff, or on staff generally, at a formal meeting will never be acceptable.
28. Councillors should not raise matters relating to the conduct or capability of an individual council officer or officers collectively at meetings held in public.
29. If a councillor believes that he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an officer, he/she should raise the matter with the relevant head of service. If he/she is not satisfied with the action that has been taken in response to this, he/she may raise the matter with

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the chief executive who will look into the matter afresh. If the head of service or chief executive believes that there is a case to answer he/she may determine the action to be taken which might include the council's formal disciplinary procedures. If the officer concerned is the chief executive then the councillor should raise the matter with their group leader, who should initially discuss the issue with the chief executive. A special procedure, which is set out in the constitution, applies in relation to action against the chief executive, the chief finance officer (section 151 officer) and the monitoring officer.

30. If an officer feels that he/she has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a councillor, or conduct of a councillor, he/she should raise the matter with his/her head of service. If he/she is not satisfied with any action that has been taken as a result, he/she should raise the matter with the chief executive. If there is a serious case to answer the chief executive will raise the matter in the first instance with the appropriate group leader, and may request the monitoring officer to investigate the matter.
31. Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the council's whistle-blowing policy may also be relevant.

### **Councillors' access to information and to Council documents**

32. Each councillor has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet, committee or sub-committee agenda. However, councillors do not have an automatic right of access to all documents relating to confidential ("exempt") items on the agenda. These might include, for instance, information relating to employees, occupiers of council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.
33. In respect of such confidential information, a councillor will normally receive, or have access to all papers unless they are of particular sensitivity. A councillor may have access to such sensitive documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a councillor. The relevant question to be asked is whether he/she needs to know the information to perform such duties. This would normally include matters relating to particular wards.
34. A member of the Cabinet, a committee or sub-committee will have a need to know of the documentation relating to that body. In other circumstances, a councillor will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The question as to access to the documentation will be determined by the head of legal and democratic services.
35. Where a councillor has a private or pecuniary interest in a matter, the councillor will only be entitled to the same rights of access to documentation as would apply to the public generally, although the councillor would continue to receive the same documentation as is sent to other councillors of the body concerned.

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36. Any council information provided to a councillor must only be used by the councillor in connection with the proper performance of the councillor's duties as a councillor. Confidential information should not be disclosed, discussed with or released to any other persons. Such disclosure would be a breach of trust. In particular, councillors should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the council or anyone else.
37. Any confidential information provided to councillors should be clearly marked as such prior to its provision.
38. A councillor has no general entitlement to inspect draft documents, correspondence or working papers. A request for such material should be made through the relevant head of service, who will provide such information unless there are reasonable grounds not to do so. For example, the release of a draft document that has yet to be cleared by the head of service or chief executive could prove counter-productive.
39. Cabinet members will be consulted in the preparation of draft reports, as appropriate, in accordance with the protocol adopted by the Cabinet. Heads of service will determine the point at which draft reports will be made available to Cabinet members.
40. Further advice regarding councillors' rights to inspect council documents may be obtained from the head of legal and democratic services and monitoring officer.

### **Public relations and press releases**

41. By law the council is prohibited from publishing material which appears to be designed to affect public support for a political party. Press releases are written by officers, but they may contain quotations from a councillor. Such news releases are issued on behalf of the council and it would not, therefore, be appropriate when repeating quotations from councillors to indicate their party political affiliation. The aim will be for the news releases to be objective, factual and informative. All press releases and media interviews should be conducted in accordance with the council's press release and media enquiry protocol.
42. The council will abide by the national code of recommended practice on local authority publicity.

### **Councillor support services**

43. The council provides some support services to enable councillors to carry out their duties. These may only be used on council business. They may not be used for party political work of any kind. Councillors should not ask officers to process party political material.

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## **Correspondence**

44. Unless a councillor or officer requests confidentiality, it may be assumed that correspondence (including e-mail) between a councillor and an officer is not confidential and may be shown to others. Where confidentiality is not requested, councillors and officers will exercise discretion in determining whether it is appropriate to disclose correspondence to others. The originator of the correspondence must accept that it may be disclosed to others unless confidentiality has been requested. If, in an officer's view, correspondence on a non-confidential matter between an individual councillor and an officer is of interest to other councillors, to keep them fully informed, the original councillor should be informed when copies are provided to other councillors.
45. Where issues are raised by, or with, individual councillors relating to a matter of general interest in a council ward, copies of correspondence will be sent to all councillors for the particular area and the appropriate Cabinet member/committee chairman at the discretion of the relevant head of service. An exception will be made where the councillor specifically requests that correspondence is not copied to other councillors, or there is a political, or other reason, why this is not appropriate.
46. Officer letters on behalf of the council should normally be sent out in the name of the appropriate officer, rather than in the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a government minister) for a letter to be signed by a councillor, but this should be the exception rather than the norm.

## **Unresolved issues and amendments to the protocol**

47. If there are any issues of concern, which are not dealt with by this protocol, then the relevant councillor or officer may discuss the matter with the head of legal and democratic services with a view to advice being provided.
48. This protocol will be reviewed periodically by the monitoring officer, who will make recommendations to the council on proposed amendments.

## **Contravention of the protocol**

49. Any contravention of this protocol shall be reported to the monitoring officer. If appropriate, the monitoring officer will refer the matter, in the first instance, to the relevant group leader. If the contravention cannot be resolved at this stage, the monitoring officer may refer the matter to the Joint Audit and Governance Committee.

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# Councillor call for action protocol

## Purpose

1. This document sets out the process for dealing with issues relating to councillor call for action as set out in the Local Government and Public Involvement in Health Act 2007 and Centre for Public Scrutiny Best Practice Guidance.

## Introduction

2. The councillor call for action (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all principal councils in England.
3. The Act enables any councillor to refer any local government matter or any crime and disorder matter that affects their ward to a Scrutiny Committee. Local government issues not only cover specific council functions but also cover the council's partners and their responsibilities for delivering Local Area Agreement targets.
4. The power to refer is only available where the matter is of direct concern to the ward the councillor represents. There is no requirement for councillors in multi member wards to agree to the referral.
5. It is not anticipated that there will be extensive use of the CCfA power as it is designed as a last resort mechanism when normal processes fail. Councillors should note that CCfA is not guaranteed to solve problems but is designed to offer a mechanism for discussion and through this trying to address them.

## Limitations

6. It is important to recognise that CCfA is not guaranteed to solve a problem. CCfA provides a method for discussing problems and through discussion trying to resolve them.

## Issues excluded from referral as a CCfA

7. The following matters have been excluded from CCfA by statutory regulations (The Overview and Scrutiny (Reference by Councillors) (External Matters) (England) order 2008):
  - (a) any matter relating to a planning decision;
  - (b) any matter relating to a licensing decision;
  - (c) any matter relating to an individual or entity that is already subject to an appeal, review or complaint;
  - (d) where there is an alternative avenue to resolve an issue (complaints process);and



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(e) any matter which is vexatious, discriminatory or unreasonable.

### **Examples of possible CCfA issues**

8. A series of complaints about waste collection which illustrate a continuing trend of poor performance.
9. Anti-social behaviour issues.
10. Environmental issues.

### **CCfA process**

11. In accordance with the national best practice guidance the use of CCfA should be the last stop for resolving an issue. Prior to referring a matter as a CCfA a councillor must have tried to resolve the issue/problem themselves using all the mechanisms and resources available to them such as liaising with partners, county and parish councillors or raising the issue with officers.
12. There are a range of tools that councillors can use to influence change and resolve problems both formally and informally such as:
  - (a) questions at Council or committee
  - (b) motions on the agenda at a Council meeting
  - (c) informal discussions with officers and other councillors
  - (d) communication with councillors in other authorities
  - (e) public meetings
  - (f) formal letters written on behalf of constituents
  - (g) request that a topic for review is included in the scrutiny work programme
13. A councillor referring a matter as a CCfA will need to show that they have tried to resolve the matter using some of the above techniques/resources and that sufficient time has elapsed for partner organisations to resolve the issue.

### **How to make a CCfA**

14. If the issue/problem is not resolved the councillor can refer it to the Scrutiny Committee using the form attached to this guidance ensuring that each section is completed. The councillor should return this form to the head of legal and democratic services.

### **Decision on whether to take the matter further**

15. A democratic services officer will meet with the chairman and vice-chairman of the Scrutiny Committee to consider whether to take the CCfA forward.
16. This decision will be based on ensuring that all other avenues have been exhausted, that the statutory exclusions have been considered, whether the committee has considered a similar issue recently and if so whether there is any

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change in circumstances/new evidence, whether a similar issue is included in the committee's work programme and whether the issue is of genuine local concern.

17. The CCfA can be rejected at this stage or the councillor could be asked to take additional action before the matter is considered further. If the CCfA is rejected the councillor will be advised of these reasons in writing.

18. If the chairman concludes that the item is valid the matter will be referred to the next scheduled Scrutiny Committee meeting.

### **Committee process**

19. The committee will receive an initial report which will allow it to prioritise the issue in its work programme and determine whether the whole committee or a task group progresses the work. The report to the committee will include information covering the issue, what the councillor is requesting as the proposed outcome and previous action taken by the councillor.

20. The committee can use powers under the 2007 Act and other legislation to invite representatives from partner organisations to attend and to request information. Discussions would be based on how to achieve the outcomes that the councillor bringing the CCfA specified on the initial form. The committee would explore possible solutions and complete its consideration of the matter with a recommendation for certain action to be taken. The committee will be responsible for monitoring the implementation of the recommendations.

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## **Councillor call for action: request form**

This form should be used by any councillor at South Oxfordshire District Council who would like the Scrutiny Committee to consider a call for action in their ward.

### **Subject of the councillor call for action:**

Would you like the opportunity to speak to the Scrutiny Committee?

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Yes:  No:

Have you approached the Scrutiny Committee on the same issue in the past six months?

Yes:  No:

### **Why you think the issue should be looked at by the Scrutiny Committee:**

### **Please give a brief synopsis of what the main areas of concern are:**

### **What evidence do you have in support of your call for action:**

### **Who is affected by the call for action:**

Have you exhausted all avenues to resolve the issue?

Yes:  No:

### **What action have you taken to resolve the issue:**

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**Are there any deadlines associated with the call for action:**

**What outcomes would you hope for in making this call for action:**

Is the call for action currently the subject of legal action by any party (to your knowledge) or is subject of a formal complaints' process?

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Yes:  No:

**Councillor (print):**

**Signature:**

**Ward:**

**Date submitted:**

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For Office Use Only:

**Received by:**

**Received on:**

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# Petition scheme

We welcome petitions from people who live, work or study in the district. We recognise petitions as one of a number of ways people can let us know their concerns.

If you like, you can set up a petition on our website - it's quick and easy to do, and people can sign it online - you can then submit the petition directly to us when it's ready.

You can send paper petitions to:

Democratic Services  
South Oxfordshire and Vale of White Horse District Councils  
135 Eastern Avenue  
Milton Park  
Milton  
OX14 4SB

## Guidelines for submitting a petition

Make sure your petition includes:

- a clear and concise statement covering the subject of the petition - it should state what action you want the council to take
- the name and address and signature of everybody supporting the petition.

You should provide your contact details and an address, or those of another organiser, along with your petition. We'll use these details to contact you to explain how we will respond to the petition.

If you use our online petition system, your name will appear on the website but we won't show any of your contact details. If you don't provide the name of any of the organisers, we will contact people who have signed the petition to agree who should act as the petition organiser.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will contact you to explain the reasons and discuss how the timescale of your petition may have to change.

If your petition doesn't follow the guidelines set out above, we may decide not to do follow it up. If that happens, we will contact you to explain why.

## What types of petitions are excluded?

We will not take action on any petition which we consider to be vexatious or abusive and will explain the reasons for this in our acknowledgement of the petition.

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If the petition applies to a planning or licensing application, or if it is a statutory petition (for example requesting a referendum on having a mayor) other procedures apply and we won't necessarily apply the procedures in this document. For example a petition on a planning application will be treated as a comment on that application through the standard planning application consultation process.

If we receive a petition on the same or similar topic as one we have received in the last six months, we will not treat it as a new petition. We will acknowledge receipt of the petition within 10 working days and include details of our response to the previous petition on the subject.

If we are currently considering a petition on the same or similar subject the petitions will be combined.

### **What will the council do when it receives a petition?**

We will send you an acknowledgement within 10 working days of receiving the petition. We'll let you know what we plan to do with the petition and when you can expect to hear from us again. We may decide to verify the authenticity of the petition and checking the details of the people who have signed it. We will publish the petition on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has 500 signatures it will trigger a council debate so we will tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all petitions submitted to us on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition - all personal details will be removed. When anybody signs an e-petition, we will email them our response to the petition. We will not send anybody anything, that isn't relevant to the e-petition they have signed, unless they agree to receive other emails.

We will inform the local district councillors of all petitions we've received relating to their area.

### **How will the council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation

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- holding a meeting with petitioners
  - referring the petition for consideration by Cabinet or the appropriate committee
  - writing to the petition organiser setting out our views about the request in the petition

We will always keep the local district councillor(s) informed.

In addition to these steps, we will consider all the specific actions we can potentially take on the issues highlighted in a petition.

## **Relevant steps**

If your petition is about something over which we have no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. We work with a large number of local partners and where possible we'll work with them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will explain the reasons for this to you. You can find more information on the services we are responsible for at [www.southoxon.gov.uk](http://www.southoxon.gov.uk) or [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken, and in the case of e-petitions, each petitioner will be advised by email.

## **Full council debates**

If your petition contains more than 500 signatures it will automatically be referred to full Council for debate. We will endeavour to consider the petition at the next meeting, although on some occasions this may not be possible so it will be considered at the following meeting.

You will be given three minutes to present the petition at the meeting and it will then be discussed by councillors.

The Council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or refer the matter to Cabinet or the relevant committee and decide whether to make recommendations to inform that decision.

We will send you written confirmation of this decision.

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# **Councillors' allowances scheme from 11 May 2015 – South only**

1. South Oxfordshire District Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, considered the report of its appointed Independent Remuneration Panel and approved the following scheme on 21 May 2015.
2. The scheme has effect from 11 May 2015.
3. In this scheme:
  - (a) 'councillor' means an elected councillor of the district council (the Council)
  - (b) 'co-opted member' means a person (other than a councillor) formally co-opted by resolution on to a committee of the Council for more than one meeting.
  - (c) 'calendar year' means a period 1 January to 31 December; 'financial year' means a period 1 April to 31 March; 'municipal year' means a period between Annual Council meetings.

## **Basic Allowance**

4. Each councillor shall be paid a basic allowance of £4,575 for the financial year.

## **Co-opted members of committees**

5. Other than the award of a basic allowance, this scheme applies to co-opted members on the same basis as to councillors.

## **Special Responsibility Allowances**

6. The following special responsibility allowances are paid per annum to those councillors holding positions of:

<b>Position of special responsibility</b>	<b>Allowance per annum</b>
Chairman of Council	£4,840
Vice-chairman of Council	£1,210
Leader of the Council	£18,151
Other Cabinet members	£8,470
Chairman of Scrutiny Committee	£2,040



Chairman of Planning Committee	£4,840
Chairman of the Audit and Governance Committee	£1,210
Chairman of the Licensing Acts Committee	£510
Chairman of General Licensing Committee	£2,040
Leader of an Opposition Group	£1,210

7. Where a councillor is entitled to more than one special responsibility allowance, only the higher or highest special responsibility allowance shall be paid.
8. Chairmen and vice chairman of committees not listed here are not paid a special responsibility allowance.
9. If the council abolishes a committee, any relevant special responsibility allowance will cease.
10. If the remit of any committee is substantially altered, the existing special responsibility allowance shall continue to be paid until the Independent Remuneration Panel decides to recommend otherwise.

### **Travel and subsistence allowance**

11. Travel and subsistence allowances shall be paid where a councillor has necessarily incurred costs on travel or subsistence in carrying out any approved duty specified in Schedule 1 to this scheme.
12. The amount of travel and subsistence allowances payable shall be at the maximum levels payable to council staff in line with the HM Revenue and Customs' rates.
13. Mileage claims can be made for travel between home and the meeting place(s) but normally in no other circumstances.
14. When it is impossible or impractical to use public transport or a councillor's normal private transport then, with the prior approval of the head of legal and democratic Services, the actual fare by taxi/private hire vehicle together with reasonable gratuity (up to 10 per cent of the fare) will be paid on submission of a receipt.
15. In cases where prior approval was not sought or given, a claim for mileage by private car can be made. In cases of urgency retrospective approval can be requested of the head of legal and democratic services.
16. Where it is impossible or impractical for a councillor to use their private transport or use public transport due to a disability, then the councillor may seek approval

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from the head of legal and democratic services to use a taxi or private hire vehicle to travel to attend meetings or events specified as an approved duty in Schedule 1 to this scheme. This approval shall be effective until the councillor's re-election when a new approval will be required. The council will pay the actual fare together with reasonable gratuity (up to 10 per cent of the fare) on submission of a receipt.

17. Claims must be made on the correct form, signed, and sent to democratic services.

### **Carer's Allowance**

18. A carer's allowance shall be paid where a councillor has necessarily incurred expenditure for the care of one or more children or a dependent relative while undertaking any of the approved duties specified in Schedule 1 to this scheme. This allowance shall be no more than the costs incurred up to the following hourly limits and include a reasonable time for travel and 15 minutes for hand-over:

Childcare	Up to £6.50 per hour (in line with the national minimum wage)
Dependent Relative Care	Up to £17 per hour

19. Claims are not restricted to care provided by formal carers but every claim must be supported by a receipt or invoice.

20. Any amount exceeding the hourly limit will be paid only in exceptional circumstances.

21. A councillor cannot claim for more than one carer at the same time.

### **Claims and payments**

22. Where councillors attend a meeting at which they are representing more than one council or organisation, they must ensure they claim travel, subsistence and carer's allowances from one council or organisation only.

23. Any claim for payment of travel, subsistence and carer's allowances under this scheme shall be made in writing on the correct claim form within two months of the date of the duty to which the claim relates. Claims must be sent to Democratic Services (email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)).

24. Mileage claims will not be paid unless supported by a VAT receipt for petrol. Other claims will not be paid unless dated receipts confirming the expenditure incurred are provided.

25. Basic allowances and special responsibility allowances will be paid monthly in instalments of one-twelfth of the annual amount payable. Payments will be made by BACS transfer on the same date as officers are paid. Travel and subsistence

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claims will be paid along with the basic allowances and special responsibility allowances.

## **Payment of basic allowances and special responsibility allowances**

26. Councillors wishing to claim such allowances must supply Payroll with such information as is required to permit payments to be made by BACS transfer and for tax and national insurance to be deducted. Any councillor not supplying these details within three months of election will be deemed to have elected to forego their entitlement to such allowances.
27. Any councillor may elect to forego any part of their entitlement to allowances under this scheme. If a councillor does not want to be paid their basic allowance or special responsibility allowance they must inform the head of legal and democratic services in writing.
28. If a councillor later wishes to start being paid a basic allowance or special responsibility allowance they must inform the head of legal and democratic services in writing. They may not claim for more than three months' backdated allowances.
29. A councillor who has elected to forego all or part of his/her basic allowance and/or special responsibility allowance is still entitled to claim travel, subsistence, and carer's allowances.

## **Part year entitlements and when allowances start**

30. Where a councillor becomes or ceases to be a councillor, or accepts or relinquishes any special responsibility for which an allowance is paid, allowances will be paid pro-rata to the number of days during the financial year in which he was a councillor or held the special responsibility.
31. The chairman and vice-chairman of Council shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the next annual meeting of the Council.
32. The chairman of a committee shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the first meeting of a committee in the municipal year where a new chairman is elected to that specific role.
33. The leader of the Council shall receive the appropriate special responsibility allowance from the day of his/her election as leader until the day of the next post-election annual meeting or the date he/she ceases to be leader.
34. A councillor who is nominated as a Cabinet member shall receive the appropriate special responsibility allowance from the date that the leader states that their responsibility starts. The allowance shall cease on the date that the

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leader states that their responsibility ends, or they resign the post, or cease to be a councillor, whichever is the earlier.

35. In a district council election year, all special responsibility allowances except that paid to the chairman of the council and the leader of the council will cease on the fourth day after the date of the election.

## **Pensions**

36. Councillors are not eligible to join the local government pension scheme.

## **Publicity**

37. As soon as practicable after 1 April each year the head of legal and democratic services will make arrangements for the publication of the total paid to each councillor and co-opted member in each category of allowance in the preceding financial year.

## **Review of the scheme**

38. Regulation 21(e) of the Local Authorities (Members Allowances) (England) Regulations 2003 states that the adjustments to the level of allowances may be determined according to an index, subject to a maximum of four years before its application is reviewed.
39. For four years after this scheme is adopted, allowances payable under this scheme may be increased on 1 April each year subject to Council decision.
40. Basic allowances and special responsibility allowances may be increased by the same percentage as the annual staff pay increase.
41. Travel and subsistence allowances may be increased to the maximum rates payable to officers of the Council in line with the HM Revenues and Customs' rates.

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## **Schedule 1 – approved duties for the purposes of payment of travel, subsistence, and carer’s allowances**

### **Authorisation**

1. The head of legal and democratic services has the authority to approve or refuse any claim.

### **Meetings – general provision**

2. Attendance at any meeting, the holding of which is authorised by the council or a committee or sub-committee or panel, provided that it is a meeting to which members of at least two political groups have been invited.

### **Council and committee meetings**

3. Attendance:
  - (a) at a meeting of the Council or a committee or sub-committee or panel of which the councillor is a member or acting as a substitute member;
  - (b) at a meeting of a committee or sub-committee or panel where the councillor is attending to represent the views of their ward on a report relating to that ward, or to represent the views of their political group, **but not where** the purpose is merely to observe and not to take part in the meeting;
  - (c) by ward councillors at formal visits of a committee accompanied by an officer to a site or event;

### **Events organised or promoted by the authority**

4. Attendance at:
  - (a) training events, seminars and presentations organised by the council;
  - (b) training events, conferences, seminars and tours not organised by the council but previously approved by the head of legal and democratic services.

### **Meetings with officers**

5. Attendance at:
  - (a) a meeting of one or more councillors called in pursuance of any function of the Council;
  - (b) a meeting with an officer at the council offices or elsewhere (but not purely in relation to ward matters);
  - (c) a meeting of a councillor in receipt of a special responsibility allowance (or their deputy) with an officer in relation to the functions for which they receive that allowance, including briefing meetings;
  - (d) a meeting for the opening of tenders where such attendance is required by the Council’s constitution;

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- (e) a meeting of councillors and officers with other principal authorities.

## **Meetings outside the council**

6. Attendance:
- (a) at properly convened meetings of outside organisations, after appointment by the leader or Council to those organisations and when acting as a representative of the Council;
  - (b) at a meeting of any association of authorities of which the Council is a member;
  - (c) solely in the capacity of district councillor at parish and town council meetings within the relevant councillor's ward. Where the councillor is also a parish/town or acting as a county councillor, no allowance shall be paid.

## **Other duties**

7. Any other duty approved by the head of legal and democratic services for the purpose of, or in connection with, discharging the functions of the Council or its committees.

## **Cases where no allowance can be claimed, unless an officer of the council has formally requested the councillor to attend to represent the council:**

- 8. travel as a result of working on ward business, local issues, or individual casework;
- 9. attendance at school governing bodies;
- 10. political group meetings including meetings of more than one group;
- 11. events of a primarily social nature, unless this is a duty undertaken by the chairman or vice-chairman of Council in their official capacity;

## **Cases where no allowance can be claimed:**

- 12. any duty where the allowance should properly have been claimed from another body;
- 13. visits to sites before committee meetings other than those organised and attended by a council officer;
- 14. duties of a party political nature;
- 15. attendance at meetings within the councillor's own ward on business relating only to that ward.

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# **Councillors' allowances scheme from 11 May 2015 – Vale only**

1. The Vale of White Horse District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) hereby makes the following scheme:

## **Citation and commencement**

2. This scheme may be cited as the Vale of White Horse District Council councillors' Allowances Scheme which comes into force with effect from 11 May 2015.
3. The previous scheme is amended on 10 May 2014.

## **Interpretation**

4. In this scheme the following expressions have the meanings mentioned below:
  - (a) "Authority" means the Vale of White Horse District Council
  - (b) "Chief Finance Officer" means the Officer delegated with the statutory responsibilities under the Local Government Act 1972 (as amended)
  - (c) "Councillor" means an elected member of the authority
  - (d) "Member" means either a councillor or a member of a committee or sub-committee of the authority who is not a councillor
  - (e) "Proper Officer" means the monitoring officer of the authority
5. This scheme shall be construed having regard to the definitions and other provisions set out in the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

## **Basic allowance**

6. The basic allowance set out in schedule 1 to this scheme shall be the maximum allowance paid to each councillor during any year.
7. The basic allowance covers all meetings of the authority, meetings with officers, meetings with electors/residents, political group meetings, and travel to and from those meetings. It also covers incidental costs of a councillor using their home.
8. Where a councillor's term of office begins or ends otherwise than at the beginning or end of a year, their entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office as a councillor subsists bears to the number of days in that year.

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### **Special responsibility allowances**

9. The special responsibility allowances set out in schedule 1 to this scheme shall be the maximum paid to those councillors who have the special responsibilities referred to in the schedule during any year.
10. Where a councillor would ordinarily hold positions that attract more than one special responsibility allowance, the councillor may only claim one such allowance, being the highest allowance.
11. Where a councillor does not have throughout the whole of a year any such special responsibilities as entitle him to a special responsibility allowance, their entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

### **Childcare allowance and dependent carer's allowance**

12. Any councillor may claim the childcare allowance or the dependent carer's allowance to reimburse the expenses incurred for child or dependent care up to the amounts specified in schedule 1 of this scheme, where those expenses have been incurred in connection with or relating to the duties specified in schedule 3 of this scheme.
13. Each claim by a councillor shall be supported by evidence of payment to the satisfaction of the proper officer.

### **Travelling and subsistence allowances**

14. Councillors are expected to use public transport wherever possible and allowances will only be paid for the use of the private vehicle when a reasonable public transport service is not available for the same journey. Where a councillor uses public transport in connection with or relating to the duties specified in schedule 3 to this scheme, they may claim reimbursement of the actual costs incurred for standard class fares only. Where a councillor travels by rail, reimbursement will be made at the standard class rate.
15. The travelling allowances set out in schedule 2 to this scheme shall be the maximum paid to those councillors who claim reimbursement for the costs incurred in connection with or relating to the duties specified in schedule 3 of this scheme.
16. For journeys undertaken by a councillor in their own vehicle when a reasonable public transport service is not available they may claim for the mileage costs attributable to performing the duties specified in schedule 3 at the appropriate rate set out in schedule 2 to this scheme. A councillor who carries other councillors and officers engaged on the same approved duty may also claim a supplement per passenger mile in accordance with the rates set out in schedule 2 to this scheme.



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17. The subsistence allowances set out in schedule 2 to this scheme shall be the maximum paid to those councillors who claim reimbursement for the costs incurred in connection with or relating to the duties specified in schedule 3 of this scheme.

18. A claim can only be made for the actual costs incurred on meals or accommodation up to the limits shown in schedule 2 to this scheme if the councillor has been absent from home for more than four hours during the specified times.

19. Any councillors' claim must be supported by evidence of the travelling or subsistence costs actually incurred to the satisfaction of the proper officer. In particular the production of receipts or similar evidence shall be required.

### **Co-optee allowances**

20. Any persons co-opted to a committee of the council may be paid travel allowances in respect of any travel costs incurred in connection with functions related to that committee and that such travel should be at the same rates as those for councillors. No other allowances will be payable in respect of co-opted members.

### **Provisions to forego allowances**

21. Any councillor may by notice in writing given to the proper officer of the authority elect to forego their entitlement or any part of their entitlement to any allowances payable under this scheme.

### **Annual adjustments and amendments to allowances**

22. The allowances payable under this scheme shall be reviewed each year by the Independent Remuneration Panel.

(a) The panel may recommend the use of an appropriate index for adjustments to the basic allowance, special responsibility allowances, and childcare/dependent carer's allowances.

(b) in the case of travelling allowances, increases shall be by reference to the HM Revenue and Customs rates for the previous year.

(c) in the case of subsistence allowances by reference to the subsistence allowances agreed by the council for officers for the previous year.

23. Each councillor shall be entitled to be paid the revised allowances with effect from the effective date for which the adjustment was made. All adjustments shall be rounded to the nearest whole pound.

24. Where an amendment is made to this scheme (which does not fall within the annual adjustments referred to above) which affects any allowance payable for

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the year in which the amendment is made, the councillors concerned shall be entitled to such allowances as amended with effect from the following April, unless an alternative date is specified by the council.

## **Entitlement and claims**

25. No councillor who is also a member of another authority shall be entitled to receive allowances from more than one authority in respect of the same responsibilities and duties.
26. Subject to paragraphs 21 above the basic and special responsibility allowance allowances shall automatically be paid to those councillors who are entitled to those allowances, unless notice in writing has been given to the proper officer by a councillor to forego their entitlement or any part of it.
27. Councillors shall submit claims for the childcare allowance, the dependent carer's allowance, and the travelling and subsistence allowances on claim forms which shall be obtained from the monitoring officer. Councillors must certify that any expenses claimed have actually been incurred and will not be reimbursed by any other authority.
28. Claims shall be submitted at the end of each month for payment the following month. Claims submitted more than two months after the expenses were incurred will only be paid with the specific approval of the monitoring officer.

## **Payments, backdating and repayments**

29. Payments shall be made each month in respect of basic allowances and special responsibility allowances in instalments of one-twelfth of the amount specified in this scheme, subject to the annual adjustments and amendment provision set out in paragraphs 22 to 24 of this scheme.
30. Payments shall be made each month in respect of the childcare allowance, the dependent carer's allowance, and travelling and subsistence allowances in respect of claims received.
31. Backdating of amended allowances to the beginning of the financial year may be agreed by the monitoring officer.
32. Where payment of any allowance has already been made in respect of any period during which a councillor:
  - ceases to be a councillor of the authority or
  - is in any other way not entitled to receive the allowances in respect of that period

the authority shall require that such part of the allowances as relates to such period be repaid to the authority forthwith or with the agreement of the councillor concerned and the chief finance officer repaid by way of deductions from subsequent payments of allowances to which the councillor is later entitled.

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## **Pensions**

33. There are no provisions relating to pensions in this scheme.

## SCHEDULE 1

### COUNCILLORS' ALLOWANCES SCHEME (with effect from 11 May 2015)

	Allowance for 2014/15 as at 1 April 2014	Allowance for 2015/16 (as at 11 May 2015 based on amendments to scheme recommended by the Independent Remuneration Panel)
<b>Councillor's Basic Allowance</b>	£3,984	£4,575
<b>Special Responsibility Allowances</b>		
Leader of the Council	£17,795	£18,151
Deputy Leader	£13,050	£13,311
Ordinary member of Cabinet	£8,304	£8,470
Chairman of Council	£4,745	£4,840
Vice-chairman of Council	£1,186	£1,210
Chairman of Scrutiny Committee	£2,373	£2,420
Vice-Chairman of Scrutiny Committee	£1,186	£1,210
Chairman of Planning Committee	£4,745	£4,840
Vice-Chairman of Planning Committee	£2,373	£2,420
Chairman of Audit and Governance Committee	£1,186	£1,210
Leader of Major Opposition Group	£1,186	£1,210
<b>Childcare allowance and dependent carer's allowance</b>	Annual maximum claimable per councillor £2,698	Annual maximum claimable per councillor £2,698
Childcare allowance	Up to £6 per hour	Up to £6 per hour
Dependent carer's allowance	Up to £15 per hour	Up to £15 per hour

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## SCHEDULE 2

### TRAVEL & SUBSISTENCE

#### TRAVELLING ALLOWANCES

The Council authorises the payment of standard class fares only to councillors in respect of travel by public transport. The rate for travel by a Member's own private vehicle, or one belonging to a member of their family or otherwise provided for their use, shall not exceed the following rates set out below:

#### Mileage Rates

	<b>First 10,000 miles in the tax year</b>	<b>Each mile over 10,000 in the tax year</b>
<b>Cars and vans</b>	45p	25p
<b>Motor cycles</b>	24p	24p
<b>Bicycles</b>	20p	20p

#### Passenger payments – cars and vans

5p per passenger per mile for carrying fellow councillors/officers in a car or van on journeys which are also council journeys for them.

**SUBSISTENCE ALLOWANCES** the rate of subsistence allowance shall not exceed:

(1)	In the case of an absence, not involving an absence overnight from the usual place of residence:	
(a)	Breakfast Allowance (more than 4 hours away from the normal place of residence and before 11 am)	£4.92
(b)	Lunch Allowance (more than 4 hours away from the normal place of residence including the lunchtime period 12- 2pm)	£6.77
(c)	Tea Allowance (more than 4 hours away from the normal place of residence including the period 3pm-6pm)	£2.67
(d)	Evening Meal allowance (more than 4 hours away from the normal place of residence ending after 7pm)	£8.38
(2)	In the case of an absence overnight from the usual place of residence:	£79.82
	and for such an absence overnight in London, or for the purpose of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or such other association of bodies as the Secretary of State may for the time being approve for the purpose, the rate may be increased to:	£91.04

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## **SCHEDULE 3**

### **APPROVED DUTIES**

Attendance at any of the following meetings is an approved duty for the purpose of the payment of travel, subsistence, childcare and dependent carer's allowances:

- (1) A meeting of the authority, any committee, sub-committee of the authority, or any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (2) Any other meeting which is 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 such a joint committee provided that (where the authority is divided into more than two political groups) it is a meeting to which members of at least two political groups have been invited or (if the authority is not divided into political groups) to which two or more councillors have been invited.
- (3) A meeting of any association of authorities of which the authority is a member.
- (4) In pursuance of any standing order requiring councillors to be present while tender documents are opened.
- (5) 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.
- (6) Any other duty approved by the authority, or for the purpose of, or in connection with the discharge of the functions of the authority or of any of its committees or sub-committees.
- (7) Any duty for the purpose of, or in connection with, the discharge of the functions of an executive, where the authority are operating executive arrangements within the meaning of Part II of the Local Government Act 2000.
  - i. Pre-Agenda Meetings organised by the head of legal and democratic services and organised meetings where councillors are invited to attend to enable officers to exercise delegated functions.
  - ii. Any meeting with an officer of the council where the officer has invited a councillor to that meeting. When making an expenses claim, the councillor must provide written evidence of the invitation.

Note - Duties which attract no allowance include duties of a Party Political nature, attendance at meetings within the councillors own ward on business relating only to that ward and meetings of a social nature. Councillors cannot claim travelling or subsistence allowance for ward duties (unless covered by 1 to 9 above).

The definition of 'Party Political nature' does not necessarily relate to all events which are open solely to one political party. It depends who is organising the event

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and whether similar events are open to other parties. Therefore, provided an event is open to all political parties, even on different dates, then it does not constitute a 'Party Political nature', and can therefore be claimed as an eligible event under this scheme.