

# Contents

## Contents

<b>Glossary of Terms</b> .....	3
<b>Part 1 – Introduction</b> .....	12
<b>Part 2 – Articles of the Constitution</b> .....	15
<b>Part 3 – Responsibilities for Functions</b> .....	40
<b>Section 1 – Council Functions</b> .....	40
<b>Section 2 – Responsibility for Local Choice Functions</b> .....	42
<b>Section 3 – Responsibility for Non-Executive Functions (Regulatory and other Committees)</b> .....	46
<b>Section 4 – Responsibility for Executive Functions</b> .....	68
<b>Section 5 – Overview and Scrutiny Committees</b> .....	74
<b>Section 6 – Cabinet Groups</b> .....	79
<b>Section 7 – Joint Arrangements</b> .....	80
<b>Section 8 – Officers Scheme of Delegations</b> .....	84
<b>Section 9 – Proper Officer Appointments</b> .....	97
<b>Part 4 – Procedure Rules</b> .....	102
<b>Section 1 – Council Procedure Rules</b> .....	102
<b>Section 2 – Access to Information Procedure Rules</b> .....	123
<b>Section 3 – Budget and Policy Framework Procedure Rules</b> .....	136
<b>Section 4 – Executive Procedure Rules</b> .....	144
<b>Section 5 – Overview and Scrutiny Procedure Rules</b> .....	162
<b>Section 6 – Financial Regulations</b> .....	176
<b>Section 7 – Contract Procedure Rules: Code for Income and Expenditure Contracts</b> .....	231
<b>Section 8 – Officer Employment Procedure Rules</b> .....	262
<b>Part 5 – Codes and Protocols</b> .....	266
<b>Section 1 – Members’ Code of Conduct</b> .....	266

<b>Section 2 – Officers’ Code of Conduct .....</b>	<b>281</b>
Appendix 1 .....	288
Appendix 2 .....	290

## Glossary of Terms

The Constitution contains references which may be defined as follows:

<b>Approved Duties</b>	Those meetings, events, etc, approved for the purposes of claiming travel and subsistence allowances.
<b>Articles</b>	The basic rules setting out the key features of the Council's governance system and how the Council is governed.
<b>Authority</b>	Cambridge City Council
<b>Background papers</b>	A list at the end of a report of those documents used in compiling the report, which must be available for inspection on request by a Member or the public.
<b>Best Value</b>	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council. See also Value for Money.
<b>Budget</b>	The revenue and capital budget in any one year, along with major plans and strategies that relate to the allocation of financial resources and as described in Part 3 of the Constitution.
<b>Cabinet</b>	The decision-making body of the Council with responsibility for Executive functions. The Cabinet is made up of up to 9 Councillors and the Leader. The Cabinet takes most strategic decisions except those which only the Full Council can decide (like major policy issues or setting the annual budget) or decisions on regulatory matters like planning and licensing
<b>Cabinet Assistants</b>	Refers to Councillors appointed by the Leader to support Cabinet Members in specific areas of their portfolio. They do not have decision-making powers but may provide advice and support with portfolio responsibilities.

**Cabinet Members**

Also referred to as  
Executive Councillors

Those Elected Members appointed to the Cabinet by the Leader.

**Call In**

The process by which Overview and Scrutiny Members may challenge or require further information on a Cabinet decision. A matter which is 'called in' is referred to the relevant Overview and Scrutiny Committee for review.

**Chair of Committee**

The elected Chair or in his or her absence, the Vice Chair. The term may also apply to an Elected Member appointed to preside in the absence of the Chair and Vice Chair.

**Chief Executive**

The most Senior Officer of the Council with overall corporate responsibility for the management and operation of the Council, including the responsibility for overall management of Officers. The Chief Executive has also been designated the Head of Paid Service.

**Chief Finance Officer/s151 Officer**

The Officer appointed under section 151 of the Local Government Act 1972 to exercise the proper administration of the Council's financial affairs. This is a Statutory Officer role, also known as the 'Section 151' Officer."

**Civic Year**

The period between annual meetings of the Council, usually held in May.

**Clear Working Days**

Normal working days, excluding weekends, Bank and Public Holidays. It also excludes the date on which notice is given and the day of the meeting, Committee. A formal decision-making body which has functions delegated to it by either Council or the Executive.

**Committee**

Committees are appointed to carry out functions delegated to them by the Council or Cabinet. The Committees terms of reference are set out in the Council's Constitution.

<b>Confidential Information</b>	As defined in Section 100A(3) of the Local Government Act 1972, this covers information provided to the Council by a Government department on terms which prohibit its disclosure and information which the Council is prohibited from disclosing by statute or by court order.
<b>Constitution</b>	The document describing the decision-making arrangements for the Council, together with the detailed rules and procedures for the operation of the decision-making arrangements.
<b>Co-opted Member</b>	A person appointed to serve on a Committee or Sub Committee in an advisory role. They are not Councillors and are not normally entitled to vote.
<b>Corporate Leadership Team</b>	Chief Officers of the Council who take collective responsibility for the operation of the Council.
<b>Councillor</b>	An Elected Member of the Council elected to serve as a Councillor for one of the City's Wards of the Council.
<b>Days</b>	Unless otherwise specified this means calendar days.
<b>Democratic Services</b>	The Democratic Services team is responsible for supporting Council, the Cabinet and Committees as well as providing advice and support for Councillors.
<b>Declaration of Interest</b>	The requirement for Members and Senior Officers to give notice of their interests in matters related to an item under consideration (see also Disclosable Pecuniary Interests and Non-Pecuniary Interests).
<b>Delegated Powers</b>	The description of the level of authority delegated to a Committee, Sub Committee, Panel, Cabinet Member, or Officer.
<b>Deputy Leader of the Council</b>	The Elected Member appointed by the Leader to be their Deputy if the Leader is unable to act or if the office of Leader is vacant.

<b>Disclosable Pecuniary Interests</b>	The requirement for Elected Members to register and declare any financial or beneficial interests as defined in the Constitution.
<b>Development Plan</b>	Includes the Local Plan and other Neighbourhood Plans
<b>Equality Impact Assessments (EQIAs)</b>	A systematic process used to evaluate the potential effects of policies, practices, or decisions on different groups of people, particularly those with protected characteristics as defined by the Equality Act 2010.
<b>Executive Councillor</b>	Please see Cabinet Members
<b>Executive Function</b>	A power or duty of a Local Authority that is the responsibility of the Executive (Cabinet). Executive functions exclude regulatory matters and those reserved for the Full Council by law.
<b>Exempt Information</b>	Information that the Council is not required to publish because of its confidential or sensitive nature falling within Schedule 12A of the Local Government Act 1972 .Information relating to these procedures can be found in the Access to Information Rules Section 2 of the Constitution.
<b>Extraordinary Meeting</b>	A meeting of the Council convened for specific purposes.
<b>Forward Plan</b>	A document which provides the statutory notice of the Key Decisions that Cabinet, Individual Cabinet Members and Officers intend to take.
<b>Full Council</b>	A meeting of all 42 councillors as a single body to conduct business.
<b>Group Whip</b>	A Councillor appointed by an individual political group to ensure discipline amongst other Elected Members of the same political group.

<b>Group Leader</b>	The Member identified by a political group as its leader by notice in writing.
<b>Head of Paid Service</b>	The person ultimately responsible for delivery of effective Council services and reporting to the Council on how employees are organized and deployed.
<b>Independent Person</b>	A person independent of the Council (not a Councillor or Officer) appointed to advise the Council on standards and conduct issues and before it makes a decision to dismiss a Statutory Officer.
<b>Joint Committee</b>	A Committee appointed by Cambridge City Council and one or more other Councils to jointly oversee the delivery of functions
<b>Key Decision</b>	As defined by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the most significant decisions to be taken by the Cabinet. A detailed description including financial thresholds is contained in the Articles
<b>Leader of the Council</b>	The Elected Member elected by Council as Leader. The Leader of the Council is normally the Leader of the largest political group and is responsible for carrying out the functions of the Cabinet of the Council.
<b>Licensing Authority</b>	The Council, exercising its duties and responsibilities under the Licensing Act 2003.
<b>Local Choice Functions</b>	Specific functions where the Full Council can decide whether they are allocated as Council or Cabinet functions
<b>Mayor</b>	A Councillor elected annually by the Council to Chair Full Council meetings and act as first citizen of the City.

<b>Main Opposition Group</b>	The largest political opposition group by number of Councillors.
<b>Major Infrastructure</b>	
<b>Proposals</b>	Any development proposals being determined by the relevant Secretary of State and covering applications under the Transport and Works Act or Development Consent Order Regime.
<b>Members' Allowances Scheme</b>	The scheme approved by Council on recommendation from the Independent Remuneration Panel for the payment of allowances to Elected Members.
<b>Members' Code of Conduct</b>	The Code adopted by the Council which describes the conduct required of Elected or Co-opted Members of the Council.
<b>Monitoring Officer</b>	The Officer designated as such under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer has the specific duty to ensure that the Council, its Officers and Elected Members maintain high standards of conduct in all they do.
<b>Motion</b>	A motion is a formal proposal put forward for debate or decision at a meeting of Full Council
<b>Non Key Decisions</b>	Executive decisions taken by the Cabinet, Cabinet Committees, Cabinet Members and Officers on less significant matters in accordance with the specified procedure.
<b>Non-Pecuniary Interests</b>	The requirement under the member code of conduct from Members to register and declare any non-financial interests.
<b>Notice/ notice in writing</b>	This includes notice by electronic means but does not include text or social media.
<b>Officers</b>	A person appointed to, or holding a paid office of, the Council or employed by the Council.



<b>Officers' Code of Conduct</b>	The Code adopted by the Council, which describes the conduct required of its Officers.
<b>Ordinary Meeting</b>	A meeting of the Council included in the approved calendar of meetings.
<b>Outside Bodies</b>	External organisations which have invited the Council to nominate representative(s) to serve on their management body.
<b>Panel</b>	A formal group of Members with functions delegated by a Committee or a Sub Committee.
<b>Party Whip</b>	The Member within a political group appointed by that group to manage internal party discipline and activities. (also known as the Group Whip).
<b>Policy Framework</b>	The plans and strategies which together make up the overarching policy direction determined by Council. A more detailed definition can be found in the Articles.
<b>Political Balance Rules</b>	This is defined by the Local Government and Housing Act 1989 and relates to political representation of political groups on Committees, Sub Committees and certain other bodies of the Council
<b>Political Group</b>	As defined in the Local Government (Committees and Political Groups) Regulations 1990, any group of at least two Members who have notified the Council in writing that they wish to be treated as a political group.
<b>Portfolio Holder</b>	Otherwise known as Cabinet Members, those Elected Members appointed to the Cabinet with defined areas of responsibility called portfolios.
<b>Proper Officer</b>	A designated Officer appointed by the Council to carry out a certain, or functions, as required by law.

<b>Quasi-Judicial</b>	A process of decision making which is similar to a court of law, in that each party with an interest in the matter under consideration has an opportunity to make their case, following which a decision on the facts and representation is made.
<b>Quorum</b>	The minimum number of Councillors required to be present for a meeting to be properly convened.
<b>Regulatory Committees</b>	Those Committees of the Council falling outside the executive arrangements that are charged with regulatory functions, such as planning, alcohol licensing, street trading and hackney carriage and taxi licensing.
<b>Scrutiny</b>	A process of holding the Cabinet to account and assist with policy review and development.
<b>Section 151 Officer</b>	The Officer designated as such under Section 151 of the Local Government Act 1972.
<b>Statutory Officers</b>	The Senior Officers that the Council must have in place by law. Statutory Officers play an important role in ensuring the lawful and effective operation of the Council.
<b>Sub-Committee</b>	A formal decision-making body with functions referred or delegated to it by Council or by a Committee.
<b>Summons</b>	Formal notice of a Full Council or Committee meeting, setting out the agenda for the proposed business at the meeting.
<b>Task and Finish Group</b>	An informal group of Members established by a Scrutiny Committee to examine a specific issue.
<b>Terms of Reference</b>	The description of what a Committee, Sub-committee or Panel may concern itself with.
<b>Urgent Matter</b>	A matter which is to be considered at a meeting of the Council, a Committee, or a Sub Committee by virtue of section 100B (4) (b) of the Local Government Act 1972. This provides for matters not appearing on the agenda to be considered at the meeting, if by reason of special circumstances,

the Chairman is of the opinion that the item should be considered as a matter of urgency.

**Virement**

Moving funds from one area of spend to another.

**Ward**

A geographical area of within the boundary of the City Council represented by three Councillors.

**Written Notice**

Unless otherwise stated, a notice given in writing or electronically.

# **Part 1 – Introduction**

## **1.1 The Council’s Constitution**

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

## **1.2 How the Council Operates**

The Council is comprised of 42 Councillors. Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community of Cambridge, but they have a special duty to their residents, including those who did not vote for them.

Councillors must agree to follow a code of conduct to ensure high standards in the way that they undertake their duties. The Civic Affairs and Audit Committee, through the Monitoring Officer, trains and advises them on the code of conduct.

All Councillors meet, together, as the Council. Meetings of the Council are open to the public, unless exempt or confidential matters are under discussion. At these meetings, Councillors decide the Council’s overall policies and set the budget each year. The Council will appoint the Leader, agree the terms of reference of Committees and make appointments to them. It will also approve the Policy Framework. There are public question times when any person may put forward questions.

## **1.3 How Decisions Are Made**

The Executive (known also as the Cabinet) is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is appointed by the Council, and between two and nine further Councillors, appointed by the Leader. When major decisions are to be discussed or made, these are published in advance in so far as they can be anticipated. If these major decisions are to be discussed with Council Officers at a meeting of the Executive (known as Cabinet), this will generally be open for the public to attend, except where exempt or confidential matters are being discussed. The Executive must make decisions which are in line with the Council’s overall policy and budget framework, (which is set out in Part 4 of the Constitution) and are within the

approved budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

## **1.4 Scrutiny**

There are two Scrutiny Committees, the roles of which are to:

- hold the Executive to account for its actions;
- advise on the development and implementation of new policy and corporate projects;
- test whether existing policies and practices are effective and efficient and recommend suggestions on how they might be improved; and
- ensure the rigour and objectivity of performance management and service reviews.

The work of the Overview and Scrutiny Committees leads to reports and recommendations which advise the Executive and the Council on improvements to its policies, budget and service delivery.

The Overview and Scrutiny Committees may

- recommend a decision to Cabinet;
- recommend that the Executive reconsiders the decision;
- be consulted by the Executive or the Council on forthcoming decisions and the development of policy;
- (if a decision is found to be outside policy or budget framework) refer a decision to Full Council; or
- determine whether to support a request that an Executive decision be “called-in” for reconsideration (the procedure for the operation of Call-In is contained in the Overview and Scrutiny Procedure rules in Part 4 Section 5 of the Constitution).

## **1.5 The Council’s Staff (Officers)**

The Council has staff (referred to as ‘Officers’) to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. They also have other statutory or legal duties. A protocol governs the relationships between Officers and Councillors. This is set out in Part 5 of the Constitution.

The Chief Executive is the Head of Paid Service and has overall responsibility for Officers of the Council.

## **1.6 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in the Articles. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice can advise on individuals' legal rights or advice can be sought from private law firms and other legal entities.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)

## **1.7 Admission to Meetings**

All meetings of the Council, its Executive, Scrutiny, Committees and Sub-Committees are open to the public.

There may be occasions when confidential information is to be discussed at a meeting. On such occasions, the Council must exclude the public and press. Similarly, when information of a certain specified nature (exempt information) is to be considered, the Council has the discretion to decide to exclude the public and press from a meeting.

The public has a right of access to agendas and reports for meetings. These papers must be published for public inspection five clear days in advance of a meeting, with hard copies available at the meeting. There is no right of access to reports containing confidential and/or exempt information. When meetings are convened at short notice and the normal legislative requirements for publishing papers cannot be adhered to, then papers must be published from the time the meeting is convened.

Following a meeting, members of the public have a right of access to the agenda, reports and minutes from the meeting, with the exception of, confidential and/or exempt items.

Decisions of the Executive and Key Decisions taken by Officers must be recorded. The record must also detail the reasons for a decision, any alternative options considered before reaching a decision and any declarations of interest. Records of decisions and any background papers (excluding exempt/confidential items) must be made public.

## Part 2 – Articles of the Constitution

### Article 1 – The Constitution

#### 1.1. Powers of the Council:

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

#### 1.2. Purpose of the Constitution:

- The purpose of the Constitution is to:
  - a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
  - b. support the active involvement of citizens in the process of Local Authority decision-making;
  - c. help Councillors represent their constituents more effectively
  - d. enable decisions to be taken efficiently and effectively;
  - e. create a powerful and effective means of holding decision-makers to public account publicly;
  - f. ensure that no one will review or scrutinise a decision in which they were directly involved;
  - g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
  - h. provide a means of improving the delivery of services to the community;
  - i. enable the Council to provide services and opportunities that are available to all and fairly allocated;
  - j. provide a robust framework for ethical standards that Councillors, Officers and the Council will observe in the course of Council business; and
  - k. ensure that all Council activities and decision-making processes are conducted in accordance with the law and relevant regulations.

#### 1.3. Interpretation and Review of the Constitution:

- Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 and review and amend as necessary. The Council's Monitoring Officer will

provide advice on the interpretation of the Constitution and his/her decision will be final.



## Article 2 – Members of the Council

### 2.1. Composition and eligibility:

- Composition: The Council will comprise 42 members, otherwise called Councillors. Each Ward in the City will be represented by three Councillors elected in accordance with the City of Cambridge (Electoral Changes) Order 2002 or any replacement Electoral Changes Order.
- Eligibility: Any person over 18, who either lives, works, or studies in the City and meets the statutory eligibility requirements may stand for election as a Councillor.

### 2.2. Election and terms of Councillors

- Election and terms. The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year, except that in 2025 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.3. Roles and functions of all Councillors

- Key roles of Councillors:
  - a. collectively be the ultimate policymakers and carry out a number of strategic functions;
  - b. as community leaders represent their constituents and bring their views into the Council's decision-making process and be advocates of and for their residents and the City;
  - c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - d. balance different interests identified within their Ward, represent their Ward as a whole and explain the role and policies of the council to residents;
  - 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, including compliance with the Councillor's code of conduct.
- Rights and duties:

- a. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their strategic functions and in accordance with the law.
  - b. Councillors will not disclose any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor, Officer, or other third party entitled to know it.
  - c. For these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Rules.
- Conduct and disqualification
  - a. Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations.
  - b. Any Councillor who fails to attend any meeting of the Council or of any Committee, Joint Committee or Sub Committee of which they are a Member for more than six months, unless the failure to attend was due to some reason approved by the Council within that six-month period, shall cease to be a Member of the Council.
- Allowances
  - a. Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of the Constitution.

## Article 3 – Citizens and the Council

### 3.1. Citizens' rights

Citizens rights to information and to participate in local democracy are explained in more detail in the Access to Information Rules. In summary, citizens have the following rights:

- a. Vote at local elections if they are registered.
- b. Contact their local Councillor about any matters of concern to them.
- c. Obtain a paper copy of the Constitution on payment of a reasonable fee (the Constitution is also available online).
- d. Attend meetings of the Council, the Cabinet and Committees except where, for example, exempt or confidential matters are being discussed.
- e. Petition to request a referendum on a mayoral form of executive.
- f. Ask questions at Full Council meetings and suggest topics for and contribute to reviews by the Scrutiny Committees.

- g. Find out, from the Council's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when.
- h. See reports and background papers, and any record of decisions made by the Council and the Executive.
- i. Inspect the Council's accounts and make their views known to the external auditor.

### 3.2. Complaints

Citizens have the right to complain to:

- i. the Council under its complaints scheme;
- ii. the Local Government, Regulator of Social Housing and Social Care Ombudsman after using the Council's own complaints scheme; and
- iii. the Monitoring Officer about a breach of the Councillor's Code of Conduct.

## Article 4 – The Full Council

### 4.1. Meanings

4.1.1 Policy Framework. The policy framework means the following plans and strategies required by law to be approved by the Full Council:

- Plans and strategies for the control of the Council's borrowing, investments or capital expenditure.
  - Members' Allowances Scheme.
  - Development Plan documents, including Plans and alterations
  - Policies under the Gambling Act.
  - Statement of Licensing Policy, Licensing Act 2003.
  - Pay Policy.
- The Council has also decided to include the following in the Policy Framework:
- Annual Pay Policy Statement.
  - Corporate Plan.

- Housing Revenue Account Strategy and Business Plan.
    - Statement of Licensing Policy, Licensing Act 2003.
    - Gambling Act 2005 Statement of Principles.
    - Risk Management Strategy.
  - The Council has the power to vary the Policy Framework from time to time, provided it does so in accordance with any statutory guidance.
- 4.1.2 **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the setting of rents for tenants of its housing stock, the control of its capital expenditure, a review of the appropriateness of the Council's reserves and the setting of virement limits.
- 4.1.3 **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

## 4.2. Functions of the Full Council

Only the Council will exercise the following functions:

- a. adopting and amending the Constitution;
- b. approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d. appointing the Leader;
- e. exercising powers to remove the Leader from office before the completion of their term of office;

- f. appointing annually the Mayor and Deputy Mayor of the City and filling any casual vacancy in their offices;
- g. agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- h. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- i. adopting and varying the Members' Allowances Scheme;
- j. changing the name of the area;
- k. conferring the title of Honorary Councillor or Freedom of the City (The grant of Freedom of the City or honorary membership of the Council needs to be approved at a special Council meeting by a two-thirds majority of those voting);
- l. confirming the appointment of the Head of Paid Service;
- m. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- n. all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
- o. adopting the Council's Code of Conduct for Councillors; and
- p. all other matters which, by law, must be reserved to the Council.

#### 4.3. Council meetings

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings; and
- c) Extraordinary Meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### 4.4. Responsibility for functions

The Council will maintain and publish information on the responsibilities for the Council's functions which are not the responsibility of the Executive.

## **Article 5 – Chairing the Council**

### **5.1. Role and Function of the Mayor**

5.1.1 The Mayor and in their absence, the Deputy Mayor will have the following roles and functions.

- Ceremonial Role
  - To represent the Council at civic and ceremonial functions and to be an ambassador for the Council in the City and beyond.
- Chairing the Council Meeting

5.1.2 The Mayor shall have the following responsibilities when Chairing meetings of the Council:

- a. to ensure that the governance of the meeting is in accordance with the Constitution, and to interpret the Constitution, when necessary, with advice from the Council's Monitoring Officer;
- 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 on the Cabinet are able to hold the Leader and other members of the Cabinet and Committee Chairs, including Chairs of the Overview and Scrutiny Committees to account;
- d. to promote public involvement in the Council's activities;
- e. to rule, upon advice from the Council's Officers, on disputes as to the meaning of this Constitution; and
- f. to be the conscience of the Council and act in a non-partisan way.

## **Article 6 – Overview and Scrutiny Committees**

### **6.1. Terms of Reference**

Overview and Scrutiny refers to all the Overview and Scrutiny functions within the Council and is used in this Constitution as a collective term for all individual Overview and Scrutiny Committees and any Sub Committees, panels or task and finish groups. Overview and Scrutiny Committees are referred to as 'Scrutiny Committees.'

- Specific terms of reference for the Overview and Scrutiny Committees are set out later in the Constitution under Part 3 section 5 of the Constitution

## 6.2. General role of Overview and Scrutiny Committees

Within their terms of reference, the Overview and Scrutiny Committees will:

- review and/or scrutinise decisions made or proposed to be made, or actions taken or proposed to be taken, in connection with the discharge of any of the Council's functions;
- review and/or scrutinise the performance of external bodies that are in partnership with the Council and are subject to scrutiny by the Council;
- consider matters raised under the 'Councillor Call for Action' procedure;
- in accordance with their remit and terms of reference, make reports and/or recommendations to the Full Council and/or the Executive and/or any Committee or Joint Committees in connection with the discharge of any functions;
- consider matters affecting the area or its inhabitants which may be as a result of decision of the Council; and
- exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the executive as well as pre-scrutinise any proposed decisions that are published on the Forward Plan. The procedure to be followed when the right to 'call-in' is exercised is set out in the Overview and Scrutiny Procedure rules in Part 4 of the Constitution.

## 6.3. Policy Development and Review

The Overview and Scrutiny Committees may:

- assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Executive and Chief Officers about their views on issues and proposals affecting the area; and liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny:

The Overview and Scrutiny Committees may:

- a. give advance scrutiny to decisions and recommendations which fall to be made by the Cabinet or Key Decisions to be taken by Individual Executive Members or Officers acting under delegated powers and make recommendations to the Executive;
  - b. review and scrutinise the decisions made by and performance of the Executive and Committees and Council Officers both in relation to individual decisions and over time;
  - c. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - d. question Members of the Executive and/or Committees and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - e. make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
  - f. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and
  - g. question and gather evidence from any person (with their consent).
- Annual report. Overview and Scrutiny Committees may report to the Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

#### 6.4. Proceedings of the Overview and Scrutiny Committees

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure rules.



## Article 7 - The Executive (Cabinet)

### 7.1. Role

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

### 7.2. Form and composition

The Executive will consist of the Leader together with a Cabinet of at least two, but not more than nine other Councillors, appointed by the Leader.

### 7.3. Leader

The Leader will be a Councillor elected to the position by the Council and will remain as Leader until the day of the Annual Meeting of the Council in the year their term of office ends or until:

- death or disqualification;
- resignation from the office; or
- removal from office by resolution of the Council.

In the event of the office of the Leader becoming vacant before the expiration of their term of office, the Council will elect a new Council Leader at its next meeting, or a meeting called for that purpose. The new Leader will serve for the period of office remaining.

Deputy Leader:

The Leader will appoint a member of the Executive to serve as Deputy Leader.

The Deputy Leader of the Council will hold office until the end of the term of office of the Leader unless:

- they resign from office;
- they are no longer a Councillor; or
- they are removed from that office by the Leader.

Where a vacancy occurs in the office of Deputy Leader, the Leader of the Council must appoint another member of the Executive to that role.

## 7.4. Other Executive Councillors

The Leader must appoint between two and nine Cabinet Members, including the Deputy Leader.

The Leader will determine the terms of office of Cabinet Members, which shall be no longer than the end of the term of office of the Leader. A Cabinet Member shall cease to hold office if:

- they resign from office;
- they are no longer a councillor; or
- they are removed from that office by the Leader.

## 7.5. Proceedings of the Cabinet

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

## 7.6. Responsibility for functions

The Leader has the responsibility for the exercise of all the functions of the Executive.

The Leader may discharge any executive function or delegate their exercise to:

- a. the Cabinet as a whole (Leader and Cabinet);
- b. an individual Cabinet member;
- c. a committee of the Cabinet;
- d. an Officer;
- e. specify that they are to be exercised under joint arrangements; and
- f. Individual Non-Executive Members, where a scheme under the Local Government and Public Involvement in Health Act 2007 has been established.

Those persons or bodies exercising Executive functions may delegate those powers so far as allowed by law.

A list of responsibilities for Executive functions will be maintained by the Monitoring Officer and published on the Council's website.

## **Article 8 – Regulatory and other Committees**

- 8.1 The Council will appoint certain Committees to deal with statutory or regulatory functions. Those Committees and the functions allocated to them are set out in Part 3 of the Constitution.
- 8.2 Some Committees may be set up as consultation or advisory forums without decision making powers.
- 8.3 The Council is required to establish a standing Statutory Committee to discharge the Council's functions as licensing authority under the Licensing Act 2003 and the Gambling Act 2005. This function is discharged by the Licensing and Gambling Committee and its Sub Committees.
- 8.4 The Council has established the following Regulatory Committees:
- Planning Committee;
  - General Purposes and Licensing Committee; and
  - Joint Development Management Committee.
- 8.5 The Council has established the following other Committees
- Civic Affairs and Audit Committee; and
  - Employment Committee.
- 8.6 Responsibility for the Audit functions of the Council will be carried out by the Civic Affairs and Audit Committee.
- 8.7 The Council will promote and maintain high standards of conduct by Councillors and through the Civic Affairs and Audit Committee, will determine complaints and conduct hearings under the Members' Code of Conduct.

## **Article 9 – Joint Arrangements**

### **9.1. Arrangements to promote wellbeing:**

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

- enter into arrangements or agreements with any person or body;
- co-operate with, facilitate or co-ordinate the activities of any person or body; and
- exercise on behalf of that person or body any functions of that person or body.

## 9.2. Joint arrangements

- 9.2.1 The Council may establish joint arrangements with one or more local authorities to exercise functions which 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.
- 9.2.2 The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities.
- 9.2.3 Except as set out below, the Executive may only appoint Executive Members to a Joint Committee and those members need not reflect the political composition of the Local Authority as a whole.
- 9.2.4 The Executive may appoint Members to a Joint Committee from outside the Executive in the following circumstances:
- a. the Joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the Joint Committee any Councillor who is a Member for a Ward which is wholly or partly contained within the area;
  - b. the joint committee advises on the discharge of executive functions but does not itself discharge executive functions; and
  - c. the Joint Committee exercises both Executive and non Executive functions.
- Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's scheme of delegations.

## 9.3. Access to information

The Access to Information Rules in [Part 4 Section 2](#) of this Constitution apply to joint arrangements.

If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities, then the access to information regime for a Joint Committee is the same as that applied to the Executive.

If the Joint Committee contains Members who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

## 9.4. Delegation to and from other local authorities

The Council may delegate Non-Executive functions to another Local Authority or, in certain circumstances, where permitted by law, to the Executive of another Local Authority.

The Executive may delegate executive functions to another Local Authority or the Executive of another Local Authority.

The decision whether or not to accept such a delegation from another Local Authority will be reserved to the Full Council.

## 9.5. Contracting out

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

# Article 10 – Officers

## 10.1. Officers

The Council has staff (referred to as 'Officers') to give advice, implement decisions and manage the day to day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol, set out in Part 5 of the Constitution, governs the relationships between Officers and Members of the Council.

### 10.1.1 Chief Officers

The Council has designated the following Officers as Chief Officers for the purposes of this Constitution (different statutory definitions may apply for the purposes of the Officer Employment Procedure Rules in Part 4):

- The Chief Executive (Head of Paid Service).
- Chief Operating Officer.
- Director of Communities.

- Director of City Services.
- Director of Economy and Place.
- Joint Director of Planning.
- Chief Digital and Information Officer.

Chief Officers will provide advice on the professional and technical functions within their areas of responsibility to all Councillors, to the Council, to Cabinet and to Committees and Sub Committees and will support Councillors in their respective roles. Chief Officers are responsible for ensuring that the operational activities of the Council in respect of the functions for which they are responsible are carried out efficiently and effectively and in accordance with the Budget and Policy Framework and this Constitution. Chief Officers will manage resources entrusted to them including staff that directly report to them.

The Head of Paid Service shall have the power to amend the Portfolios of Chief Officers as they consider necessary to deliver the Council's functions, vision, and priorities. Such changes shall be carried out in accordance with the relevant HR policies that are applicable.

10.1.2 Head of Paid Service, Monitoring Officer and Chief Financial Officer: Council Officers are required to be appointed to these posts by law, undertaking specified functions. These are:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Head of Legal Practice	Monitoring Officer
Chief Financial Officer	Chief Financial Officer

- Structure: The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. A diagram showing the management structure of the Council is set out in Part 7 of the Constitution.

## 10.2. Functions of the Head of Paid Service

Discharge of functions by the Council.

- The Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

Restrictions on functions.

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

Key Areas of Responsibility:

- overall management and strategic responsibility, including for all Officers, resources, and functions;
- provision of professional advice to all parties in the decision-making process;
- ensuring Council policies and services are delivered effectively;
- acting as the Electoral Registration Officer and Returning Officer; and
- representing the Council and Cambridge at local and national levels

## 10.3. Functions of the Monitoring Officer

Maintaining the Constitution

- The Monitoring Officer shall maintain an up-to-date version of the Constitution that is available to Members, Officers and the public.

Ensuring lawfulness and fairness of decision making

- After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to the Executive in relation to an Executive function, if he or she considers that any proposal, decision or omission is unlawful or if any decision or omission has given rise to a finding of maladministration by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### Proper Officer for access to information

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

#### Advising whether Executive decisions are within the Budget and Policy Framework

- The Monitoring Officer will advise whether decisions of the executive are in accordance with the Budget and Policy Framework.

#### Providing advice

- The Monitoring Officer will provide advice on the interpretation of the Constitution scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and Officers.

#### Contributing to Corporate Management

- The Monitoring Officer will contribute to the Corporate Management of the Council, in particular through the provision of legal and governance advice.

#### Registers of interests

- The Monitoring Officer will establish and maintain registers of Members' interests and gifts and hospitality.

#### Restrictions on posts

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

### 10.4. Functions of the Chief Finance Officer

#### Ensuring lawfulness and financial prudence of decision making

- 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 executive in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.



#### Administration of financial affairs

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

#### Contributing to Corporate Management

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

#### Providing advice

- 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.

#### Give financial information

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

### 10.5. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion, sufficient to allow their duties to be performed.

### 10.6. Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

### 10.7. Employment

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

## Article 11 - Decision Making

### 11.1. Responsibility for decision making

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

It will establish the threshold levels for Key Decisions.

### 11.2. Principles of decision making

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

- a. proportionality (i.e. the action must be proportionate to the desired outcome – the Council will not “use a sledgehammer to crack a nut”);
- b. subsidiarity (the principle that decisions should always be taken at the lowest possible level or closest to where they will have their effect, for example locally rather than nationally);
- c. due consultation and the taking of professional advice from Officers;
- d. respect for human rights;
- e. a presumption in favour of openness;
- f. clarity of aims and desired outcomes; and
- g. explaining what options were considered and giving the reasons for the decision.

### 11.3. Types of decision

Decisions reserved to the Full Council are those relating to the functions listed in Article 4.2 will be made by the Full Council and can not be delegated.

#### **Executive Decisions:**

- Key Decisions: A ‘Key Decision’ means a decision made in the exercise of an Executive function by any person (including Officers) or body which meets one or more of the following conditions:
  - The decision is likely to result in the City Council incurring expenditure or making savings in excess of £500,000 (excluding procurement decisions or decisions relating to land acquisition or disposal). Excluded from this definition are all loans to banks or other financial institutions made in accordance with the Treasury Management Policy.

Procurement decisions involving expenditure of £1,000,000 or more. In relation to letting contracts the Key Decision is seeking authority to procure (and delegate authority to a Ward).

Or

- An acquisition or disposal of land or an interest in land with a value in excess of £600,000.

Or

- The decision is likely to be significant in terms of its effects on communities living or working in an area comprising one or more Wards in the City.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

A decision taker may only make a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

#### 11.4. Decision making by the Full Council

Subject to Article 11.7, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 11.5. Decision making by the Executive

Subject to Article 11.7, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### 11.6. Decision making by Overview and Scrutiny Committees

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

### 11.7. Decision making by Council bodies acting as tribunals

The Council, Councillors and Officers will act in a manner compatible with Article 6 of the European Convention on Human Rights when determining the civil rights and obligations of others.

## Article 12 - Finance, Contracts and Legal Matters

### 12.1. Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution.

### 12.2. Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### 12.3. Legal proceedings

The Head of Legal Practice is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Practice considers that such action is necessary to protect the Council's interests. The Head of Legal Practice may further delegate these powers in so far as is legally permissible.

### 12.4. Authentication of documents

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

Any contract entered into on behalf of the Local Authority in the course of the discharge of an Executive function will be made in writing. Such contracts must be signed or sealed in

accordance with the Council's Contract Procedure Rules.

### **12.5. Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Practice. 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 Practice or an Officer authorised by them, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Strategic Director or Head of Legal Practice or some other person authorised by them.

### **12.6. Authentication of documents for legal proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Head of Legal Practice or an Officer authorised by them, unless any enactment otherwise requires or authorises, or the Council or a Committee acting under delegated powers gives the necessary authority to some other person for the purposes of such proceedings.

## **Article 13 - Review and Revision of the Constitution**

### **13.1. Duty to monitor and review the Constitution**

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

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

- a. attend and observe meetings of different parts of the Member and Officer structure;

- b. undertake an audit trail of a sample of decisions;
- c. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders;
- d. compare practices in this authority with those in other comparable authorities, or national examples of best practice; and
- e. amend the Constitution to rectify any typographical or grammatical errors or to delete or update any obsolete terms of reference.

### 13.2. Changes to the Constitution:

Subject to the exceptions set out below, changes to the Constitution will only be approved by the Full Council after consideration of a report by the Chief Executive and/or Monitoring Officer to the Civic Affairs and Audit Committee.

However, the Monitoring Officer may approve drafting changes to the Constitution where these correct obvious errors or better give effect to the clear intention of the Constitution.

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

- to update the Council's Scheme of Delegation where responsibility for a function is moved from one Officer to another e.g. following a restructure;
- to reflect changes in responsibilities of members of the Executive as determined by the Leader of the Council and;
- to update references to legislation where an Act of Parliament is replaced by another Act in substantially similar terms or to reflect changes which are required by new legislation which the Council is required to implement.

## **Article 14 - Suspension, Interpretation and Publication of the Constitution**

### **14.1. Suspension of the Constitution**

Limit to suspension.

- The Articles of this Constitution may not be suspended.
- The Rules in Part 4 of this Constitution may be suspended to the extent permitted within those Rules and the law.

Procedure to suspend.

- A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of the body in question are present. Such a motion will identify the rules the suspension of which it proposes, and no other rules will be affected by the suspension. The extent and duration of suspension will be proportionate to the result intended to be achieved, taking account of the purposes of the Constitution.

### **14.2. Interpretation**

Councillors will be entitled to raise points of interpretation, but the ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council will be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

This rule will apply to the ruling of a Chair in respect of any other Council body.

### **14.3. Publication**

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, that the Constitution is published via the Internet and that copies can be obtained by members of the local press and the public on the payment of a reasonable fee.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

# Part 3 – Responsibilities for Functions

## Section 1 – Council Functions

### 1.1. Full Council

The Full Council means the meeting at which every Elected Councillor of Cambridge City Council meets in a formal setting. By law, there are some things that only the Full Council has the power to do, such as setting the Council's budget and the Council's share of the Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (which is defined in the Article 4.1.1). It is responsible for all the functions which are not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

### 1.2. Functions of the Full Council

For the list of functions of Full Council please see Part 2, [Article 4.2](#).

#### 1.2.1 Only Full Council will exercise the following functions:

- adopting and amending the Constitution;
- approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- appointing the Leader;
- exercising powers to remove the Leader from office before the completion of their term of office;
- appointing annually the Mayor and Deputy Mayor of the City and filling any casual vacancy in their offices;
- agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- adopting and varying the Members' Allowances Scheme;



- changing the name of the area;
- conferring the title of Honorary Councillor or Freedom of the City (The grant of Freedom of the City or Honorary membership of the Council needs to be approved at a special Council meeting by a two-thirds majority of those voting);
- confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer) and taking the final decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- adopting the Council's Code of Conduct for Councillors and; and
- all other matters which, by law, must be reserved to the Council.

### 1.3. Council Meetings

There are three types of Council meetings:

- a. the annual meeting.
- b. ordinary meetings.
- c. Extraordinary Meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

### 1.4. Responsibility for Functions

The Council will maintain and publish information on the responsibilities for the Council's functions which are not the responsibility of the Executive.

### 1.5. Chairing the Council Meetings

The Mayor and Deputy Mayor will be elected annually by the Council.

The Mayor or the Deputy Mayor cannot be a Member of the Executive.

The Mayor and in their absence the Deputy Mayor have the following roles.

## 1.6. Ceremonial role

The Mayor will:

- Chair meetings of Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- uphold and promote the purposes of the Constitution and interpret the rules of procedure at Council meetings;
- ensure that Council meetings are a forum for the debate of matters of concern to the community and one of the places at which Councillors who are not on the Executive are able to hold the Executive to account; and
- exercise a casting vote in the event of a tie at a Council meeting with complete freedom of conscience.

The Mayor is the ceremonial head of the Council and will be its representative at civic and ceremonial events. They must maintain an apolitical stance, especially when Chairing Council meetings.

This ceremonial role includes:

- representing and promoting the whole City during their term of office;
- enhancing the image of the City;
- encouraging and understanding of the Council's role, priorities and partnerships; and
- promoting public involvement in the Council's activities.

## Section 2 – Responsibility for Local Choice Functions

The Council has the discretion to choose whether certain functions should be allocated as Council or as Executive functions. These functions are known as 'Local Choice Functions.'

These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations).

The table below sets out the functions allocated to Full Council and the decision- making body, if any, to whom the function has been delegated by the Council. In turn, the decision- making body may delegate to the person or body specified in Column 3.

The table also sets out those functions allocated to the Executive and the person or body, if any, to whom the function has been delegated by the Executive.

Function	Decision Making Body	Delegation
Functions under local Acts (other than a function specified in Regulations 2 and Schedule 1 of the Regulations)	Council	General Purposes and Licensing Committee unless the relevant act requires the function to be discharged by Council or unless delegated under the Officer Scheme of Delegation
The determination of an appeal against any decision made by or on behalf of the authority	Council	Employment Committee in respect of appeals relating to members of staff unless delegated to Officers under the Officer Scheme of Delegation  All other appeals -Civic Affairs and Audit Committee unless delegated under the Officer scheme of delegation or through statutory delegations
Any function relating to contaminated land	Council	General Purposes and Licensing Committee unless delegated under the Officer scheme of delegation

The discharge of any function relating to the control of pollution or the management of air quality	Council	General Purposes and Licensing Committee unless delegated under the Officer scheme of delegation
The service of an abatement notice in respect of a statutory nuisance.	Council	General Purposes and Licensing Committee unless delegated under the Officer scheme of delegation
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	The Executive	Cabinet
The inspection of the authority's area to detect any statutory nuisance.	Council	General Purposes and Licensing Committee unless delegated under the Officer scheme of delegation
The investigation of any complaint as to the existence of a statutory nuisance	Council	General Purposes and Licensing Committee unless delegated under the Officer scheme of delegation
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Delegated to the Proper officer under the Officer scheme of delegation
The obtaining of information under s.330 Town & Country Planning Act 1990 as amended	Council	Planning Committee unless delegated under the Officer scheme of delegation

The making of agreements for the execution of highway works	Council	Planning Committee unless delegated under the Officer Scheme of Delegation
<p>The appointment of any individual:</p> <ul style="list-style-type: none"> <li>a. To any office other than an office in which he is employed by the authority.</li> <li>b. To any body other than <ul style="list-style-type: none"> <li>i. The authority</li> <li>ii. A Joint Committee of two or more authorities; or</li> </ul> </li> <li>c. To any Committee or Sub-Committee of such a body and the revocation of any such appointment</li> </ul>	<p>Council in respect of Member and/or Officer appointments other than where these relate to Executive functions</p> <p>The Cabinet in respect of Executive functions</p>	
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Council except where the arrangement relates to the discharge of an executive function in which case Cabinet	<p>Employment Committee in respect of non-executive functions unless delegated under Officer Scheme of Delegation</p> <p>In respect of Executive functions Cabinet Member unless delegated under</p>

		Officer Scheme of Delegation
--	--	------------------------------

## Section 3 – Responsibility for Non-Executive Functions (Regulatory and other Committees)

### 3.1 Introduction

Different types of Committees exist for a range of purposes as it would be impractical for Full Council to meet to make every decision reserved to it. Committees may be established by Full Council or the Executive. Sub Committees or Panels may also be set up by Committees to undertake specific activities. This part of the Constitution deals with those Committees established by the Council to discharge non-Executive functions.

### 3.2 Types of Committees covered in this section

Regulatory and Ordinary Committees:

- These are Committees set up by Full Council so that powers or functions held by Full Council can be undertaken by or delegated to a smaller body of Councillors. Examples include regulatory functions relating to planning and general (non-statutory) licensing and “other” functions such as audit, personnel and Councillor standards of conduct.
- A set of rules, mainly found under s101 and s102 of the Local Government Act 1972 govern the operation of these Committees.

Statutory Committees:

- These are Committees that are set up under specific legislation rather than the Council's general powers above to establish Committees. This can mean that the rules that apply to Ordinary Committees do not apply to these Committees and that special rules under their parent legislation apply. The main examples of such Committees are Committees and Sub Committees established to make decisions on applications for alcohol and gambling licences under the Licensing Act 2003 and the Gambling Act 2005.

#### Joint Committees

- Joint arrangements, including Joint Committees with other local authorities, are set out in section 7 below.

#### Non -Executive Committees Terms of Reference and Responsibilities

- Certain non-executive functions are the responsibility of the Council and cannot be delegated to Cabinet. The Council has also reserved other functions for decision by the Full Council. These are set out in Part 3 section 1 of the Constitution.
- Non-Executive functions must be discharged by the Council but unless otherwise reserved to the Council, may be exercised under delegated authority to a Committee (including a Joint Committee) or an Individual Officer.

#### Non-Executive functions cannot be delegated to, or discharged by

- a. an Individual Councillor (including the Chairs of Non-Executive Committees);
- b. the Leader or Deputy Leader; or
- c. the Cabinet, a Cabinet Committee or an Individual Cabinet Member.

The Council has delegated to the following Non-Executive Committees the Non-Executive functions detailed in the Committees' remit and terms of reference):

- a. Civic Affairs and Audit Committee
- b. Planning Committee
- c. Licensing Act 2003 and Gambling Act 2005 Committee (the Licensing and Gambling Committee)
- d. General Purposes and Licensing Committee

e. Employment Committee

Where a Non-Executive Committee establishes a Sub Committee, it may delegate its functions to the Sub Committee. The following Sub Committees have been established:

- a. Standards Hearing Sub Committee (Civic Affairs and Audit Committee)
- b. Licensing Hearing Sub Committee (Licensing Act 2003 and Gambling Act 2005 Committee)
- c. Hackney Carriage and Private Hire Sub Committee (General Purposes and Licensing Committee)
- d. Appointments and Conditions of Service Sub Committees (Employment Committee)

The composition of Committees, their functions, responsibilities and terms of reference are set out below.

### 3.3 Non-Executive Functions - Delegation to Officers

The Council has also delegated to Individual Officers Non-Executive functions and decision-making via the Officer Scheme of Delegation and the Proper Officer Functions set out at Part 3 sections 7 and 8 of this Constitution.

All non-executive decisions are delegated to Officers unless expressly reserved to the Council, the relevant Committee or any of its Sub Committees for decision.

Individual Officers making non-executive decisions must comply with the Openness of Local Government Bodies Regulations 2014.

### 3.4 Civic Affairs and Audit Committee

#### 3.4.1 Membership, Chair and Quorum

Number of Members	6
Substitute Members Permitted	Yes



Independent Persons	1 (appointments for a maximum period of 4 years)
Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of Full Council
Restrictions on Chair/Vice Chair	None
Quorum	Three members
Number of Ordinary Meetings per Council Year	At least 4 per year (1 per quarter)
Sub Committees	Standards Hearing Panel convened as required

#### 3.4.2 Purpose

- To undertake miscellaneous non-executive functions not falling in the remit of other Regulatory Committees including functions relating to elections, the name and status of areas and individuals and other miscellaneous functions.
- To provide those charged with Governance (Full Council) independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the Council's financial reporting and governance processes.
- To promote good governance, advise the Council on the ethical framework and determine standards complaints.
- To publish an annual report on the work of the Committee, including a conclusion on the compliance with the CIPFA Position Statement.

#### 3.4.3 Remit and Terms of Reference – Miscellaneous Functions

- Making recommendations to the Council on the adoption of bylaws.
- Functions relating to parishes, elections and electoral registration.
- Functions relating to Polling District reviews.
- Functions relating to Community Governance Reviews.
- Making recommendations to Council relating to the name and status of areas and individuals
- Making recommendations to Council on the promotion or approval of local bills.

- g. Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, Ward boundaries, electoral divisions, Wards or polling districts

#### 3.4.4 Terms of Reference – Audit

- a. Oversee the Council’s financial reporting process, to ensure statutory requirements and professional standards are met.
- b. Review and approve the Annual General Statements (AGS).
- c. Approve the Council’s Annual Statement of Accounts in accordance with the relevant prevailing legislation.
- d. Receive and consider the Charter, resource requirements, plans reports and opinions of the internal auditor; ensuring effective control within the assurance framework. Provide free and unfettered access to the Audit Committee Chair for the head of internal audit, including the opportunity for a private meeting with the Committee.
- e. Receive and consider the plans, reports and opinions of the external auditor and external inspection agencies; monitoring the implementation of actions agreed in respect of such reports and opinions.
- f. Act as an Advisory Committee to the Cabinet and Council on audit matters.
- g. Such other matters as required by law or guidance.

#### 3.4.5 Terms of Reference – Governance

- a. Assurance of the Council’s governance, risk management framework and associated control environment and policies including the Council’s Risk Register, Risk Management Strategy, ‘whistleblowing’, and anti-fraud and anti-corruption arrangements.
- b. Review the Council’s corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- c. Overview of the Council’s Constitution and consideration of proposed amendments or revisions to the Constitution including the Schemes of Delegation, Procedure Rules and Protocols.
- d. Review any matters within the Committee’s remit and terms of reference referred to it by the Chief Executive, Chief Finance Officer, Monitoring Officer or any Body of the Council.
- e. Receive and review corporate complaints reports and Ombudsman reports except for those reserved to Full Council
- f. Act as an Advisory Committee to the Cabinet and Council on governance matters

- g. To consider reports on the effectiveness of financial management arrangements, including compliance with [CIPFA's Financial Management Code](#)
- h. To review the governance and assurance arrangements for significant partnerships or collaborations
- i. Ensure that the Council achieves value for money through all its arrangements

#### 3.4.6 Terms of Reference – Standards

- a. Promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
- b. Overview of the Council's Members' Code of Conduct, Arrangements for Dealing with Standards Complaints and associated Protocols; recommendations as to the adoption of and/or amendments to the Code, Arrangements and associated Protocols.
- c. Assist and advise Members and Co-opted Members of the Council on standards and compliance with the Code and associated Protocols including members' interests, gifts and hospitality.
- d. Make recommendations to Council as to the appointment of Independent Persons.
- e. Support and assist the Monitoring Officer in their discharge of the role as regards member standards, conduct and behaviours.
- f. Act as an Advisory Committee to the Cabinet and Council on conduct matters.
- g. Convene a Standards Hearing Panel as may be required by the Monitoring Officer for the purpose of determining a standards complaint made against a Member, or Co-opted Member of the Council in accordance with the Arrangements.

#### 3.4.7 Standards Hearing Panel

- a. Shall be a Sub Committee of the Civic Affairs and Audit Committee constituted as required by the Monitoring Officer.
- b. Shall comprise not less than 3 elected Members of the Civic Affairs and Audit Committee.
- c. Shall be politically proportionate.
- d. Shall hear and determine standards complaints referred to the Hearing Panel in accordance with the Arrangements adopted by the Council

### 3.5 Planning Committee

#### 3.5.1 Membership, Chair and Quorum

Number of Members	9
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointments/Removals	Resolution of Full Council
Restrictions on Membership	All Members of the Planning Committee must undertake the required training, a minimum of once a year.
Restrictions on Chair/Vice-Chair	None
Quorum	Three members
Number of Ordinary Meetings per Council Year	At least 4 per year

### 3.5.2 Remit and Terms of Reference

To perform the duties and exercise the powers of the Council as the local planning authority.

To determine and advise on all planning and development management applications, including but not limited to:

- Power to determine applications for planning permission
- Power to determine applications to develop land without compliance with conditions previously attached
- Power to grant retrospective consent
- Planning obligations
- Power to issue a certificate of existing or proposed lawful use or development
- Power to serve a completion notice
- Power to authorize entry onto land

- "Power to enforce Planning Controls under Part VII of Town and Country Planning Act 1990
- All matters concerning public path orders required as a result of planning legislation
- Advertisement consents
- Conservation area consents and notices
- Revocation or modification of planning permissions by order under planning legislation
- Enforcement action including in respect of advertisement contraventions
- All matters in respect of Trees under Part VIII and VIII of the Town and Country Planning Act 1990 as amended
- Powers relating to the protection of important hedgerows
- Listed building consents and notices
- Certificates of alternative development
- Direct action by execution of works, taking steps and/or carrying out operations, by or on behalf of the Council under any current planning legislation, including the recovery of any costs or expenses
- Legal proceedings in respect of any breach of planning obligations
- Any other notices, orders, demands, permissions, consents and grants under current planning legislation and
- Observations, comments and representations on development proposals being determined by other bodies and/or in adjoining or nearby administrative areas, except in the case of Major Infrastructure proposals located fully or partly within the Council Area.
- To determine planning and development management applications referred by Members or Officers of the Council.
- To determine planning and development management applications submitted by, or on behalf of, the Council or such applications in which the Council has an interest

- To determine planning and development management applications submitted by Members, Senior Officers (Senior Leadership Team and Business Managers) and Officers who would otherwise be involved in the determination of the application.
- The monitoring of enforcement action taken under planning and other applicable legislation.
- To administer the registration and record keeping provisions required under applicable legislation.
- To exercise the Council's statutory powers in respect of land drainage and associated legislation.
- To exercise the Council's statutory powers in respect of highways and associated legislation.
- To do anything which is incidental, conducive or calculated to facilitate any of the Committee's functions or which are necessary for the discharge of the functions.
- Service of notices under s 330 Town and Country Planning Act 1990
- Determining a Scheme of Delegation to Officers
- Delegation as set out in the [Planning Committee Scheme of Delegations](#)

### 3.6 Licensing Act 2003 and Gambling Act 2005 Committee (Statutory Licensing Committee)

#### 3.6.1 Membership, Chair and Quorum

Number of Members	10
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments/Removals	Resolution of Full Council
Restrictions on Chair/Vice-Chair	None
Quorum	Three members
Number of Ordinary meetings per Council Year	At least 4 per year (1 per quarter)

Sub Committee	Licensing Hearing Panel
---------------	-------------------------

### 3.6.2 Remit and Terms of Reference

- To discharge those functions set out in the Licensing Act 2003 and the Gambling Act 2005 including the regulation of hypnotism.
- To make recommendations to the Cabinet and Council insofar as it impacts on the role and remit of the Council.

NOTE: the Statutory Licensing Committee will comprise the same membership as the General Purposes and Licensing Committee and will meet concurrently with the General Purposes and Licensing Committee.

There is no statutory requirement for the Licensing Committee to be politically balanced. However the Council has elected to apply political proportionality to this committee.

The Statutory Licensing Committee has approved a scheme of delegation as follows:

<b>Matter to be Dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for Personal licence		If a police objection	If no objection is made
Application for personal licence with unspent convictions		To be determined by subcommittee	
Application for premises license/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made

Application to vary premises licence/club premises certificate	If a relevant representation is made that means the creation of a new Saturation Zone	If a relevant representation is made	If no relevant representation is made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

Unless expressly reserved to the committee or a subcommittee as set out above, all licensing functions under the Licensing Act 2003 and the Gambling Act 2005 are delegated



to officers. Officers will normally deal with such matters exercising those delegated powers unless, in the opinion of that officer, the matter is likely to give rise to significant controversy or the nature of the decision is such that, in their opinion, it should be referred to committee/subcommittee for determination.

### 3.6.3 Licensing Hearing Panel

The Licensing Hearing Panel may exercise all the powers of the Statutory Licensing Committee.

There is no requirement for the Licensing Hearing Panel to be politically balanced.

The Panel will comprise at least three Members drawn from the membership of the Statutory Licensing Committee.

## 3.7 General Purposes and Licensing Committee

### 3.7.1 Membership, Chair and Quorum

Number of Members	(same as Licensing Act 2003 committee)
Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of Full Council
Restrictions on Chair/Vice Chair	None
Quorum	Three members
Number of Ordinary Meetings per Council Year	At least 4 per year (1 per quarter)

Sub Committee	<p>Hackney Carriage/Private Hire Vehicle Sub Committee</p> <p>Three members to be drawn from the membership of the General Purposes and Licensing Committee.</p>
---------------	--

NOTE: the General Purposes and Licensing Committee will comprise the same membership as the Statutory Licensing Committee and will meet concurrently with the Statutory Licensing Committee

### 3.7.2 Remit and Terms of Reference

- All Local Authority licensing functions and ancillary matters other than those falling within the remit of the Licensing Committee including caravan sites, hackney carriage and private hire vehicle licences, drivers and operators, entertainments, betting, gaming and lotteries, theatres and cinemas.
- Commons regulation and town and village greens.
- Health and safety regulations (otherwise than as employer)
- Contaminated land and statutory nuisances (excluding policy issues)
- The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- The power to apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- The power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the 2006 Act
- (Section 45 re-enacted, with amendments, the more familiar Section 9 of the Commons Registration Act 1965 with effect from 1st October 2006).
- The power to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the 2006 Act.
- All matters relating to the consideration and granting of Sexual Entertainment Venues licences.

- The power to make a closing order on a takeaway food shop (this function is delegated to Officers).
- To make recommendations to the Cabinet and to Council on the budget insofar as it impacts on the role and remit of the Committee.

Note:

The following are reserved to committee for decision:

- Recommendations to Cabinet and Council on the budget
- Hackney carriage and private hire vehicle licences where the applicant has a prior conviction which is not spent

Unless a matter is expressly reserved to the committee for decision all powers and functions under the remit of the committee are delegated to officers. Where an Officer has delegated authority to deal with any matter falling within the remit of this Committee, the matter will normally be dealt with by that Officer, exercising delegated powers, unless, in the opinion of that Officer, the matter is likely to give rise to significant controversy or the nature of the decision is such that, in his or her opinion, it should be referred to Committee for determination.

### 3.7.3 Hackney Carriage/Private Hire Vehicle Sub Committee – Remit and Terms of Reference

- Three members (with a quorum of three) to be drawn from the membership of the General Purposes and Licensing Committee.
- To deal with all matters relating to Hackney Carriage/Private Hire Vehicle Licence applications and ancillary matters under the Local Government (Miscellaneous Provisions) Act 1976.
- The Sub Committee shall have full delegated authority to carry out the same functions and have the same powers as the full Committee in respect of those matters.

## 3.8 Employment Committee

### 3.8.1 Membership, Chair and Quorum

Number of Members	6
Substitute Members Permitted	Yes

Political Proportionality Rules Apply	Yes
Appointments / Removals	Resolution of Full Council
Restrictions on Chair/Vice-Chair	None
Quorum	Three members
Number of Ordinary Meetings per Council Year	At least 2 per year

### 3.8.2 Remit and Terms of Reference

- To determine and keep under review collective and corporate terms and conditions of employment and benefits.
- To consider matters relating to recruitment and retention
- To consider matters relating to Member learning and development
- To approve the Council's draft Pay Policy Statement prior to recommendation to Full Council for approval and adoption.
- To keep under review the consistent and lawful application of the Councils Pay Policy and publication requirements in respect of transparency of pay, termination payments and audit responsibilities.
- Except in exceptional circumstances, to approve the job description, salary and benefits for Chief Officers prior to appointment. (Exceptional circumstances to be determined by the Proper Officer in consultation with the Chair of the Employment Committee.)
- To approve any decisions for the re engagement or reemployment of former Chief Officers
- To consider and determine decisions about the recovery of exit payments or overpayment of pension for Chief Officers.
- To consider any matter referred to the Committee by the Head of Paid Service or Head of People.
- To consider, approve and adopt any new or significant revision to existing corporate human resources strategies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.
- To determine any other matters relating to the appointment, terms and conditions of employment, severance and dismissal of staff which are neither covered by policies of the Council, required to be decisions of Full Council nor delegated to Officers under the Scheme of Delegation.

- To review proposals for severance payments in excess of £100,000 prior to consideration of the proposals by Full Council.
- The appointment of any individual to any office other than an office in which he is employed by the authority to any body other than the authority, a Joint Committee of two or more authorities or to any Committee or Sub Committee of such a body and the revocation of any such appointment.

### 3.8.3 Joint Staff Employer Forum

Appointed by:	Council
Terms of Reference: This group is not open to the public	
<p>The Forum will:</p> <ol style="list-style-type: none"> <li>1 Be recognised as the means for corporate consultation and, where appropriate, arrange negotiations on matters with Council-wide implications which the Council has the power to decide and comment.</li> <li>2 Make direct recommendations to the Cabinet or to the Employment Committee on matters with corporate implications.</li> </ol> <p>The general aims of the Forum are:</p> <ol style="list-style-type: none"> <li>1 To ensure that the views of staff are obtained on issues of mutual concern or interest.</li> <li>2 To provide a mechanism for feedback on the effectiveness of existing policies and procedures, including issues referred from departmental consultative forums.</li> <li>3 To give staff representatives the opportunity to influence the decision of the employers on appropriate matters.</li> <li>4 To allow staff representations to be raised with the employers on specific problems affecting staff.</li> </ol> <p>The Forum will not discuss matters which are dealt with:</p> <ol style="list-style-type: none"> <li>1 By the use of the grievance and disciplinary procedures.</li> <li>2 At local level, in the first instance, i.e. items applicable only to a limited number of individuals or a limited area which should properly be Cambridge City Council Constitution: Part 3 – Section 1 Council Functions Last updated 10.04.2025 discussed at departmental staff employer forums and do not have implications for corporate policies or procedures. This does not apply to matters affecting minority groups.</li> </ol>	

- |   |  |
|---|--|
| 3 | By the Council, i.e. will not be able to veto, prospectively or retrospectively, decisions taken by the Council. |
|---|--|

### 3.9 Appointments and Conditions of Service Sub Committees

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) apply to these Sub Committees. With the exception of the Appeals Sub Committee (Non Chief Officers) and Independent Panel each Sub Committee must include at least one Member of the Executive.

#### 3.9.1 Membership, Chair and Quorum

Number of Members	<p><b>Chief Officer Appointments Sub Committee</b> - the Leader, Deputy Leader, Leader of the main Opposition Group and such other Members taken from the whole membership of the Council as may be determined by the Leader of the Council</p> <p><b>Investigating and Disciplinary Sub Committee</b> – 5 Members taken from the whole membership of the Council</p> <p><b>Chief Officer Appeals Sub Committee</b> – 5 Members taken from the whole membership of the Council</p> <p><b>Appeals Sub Committee (Non Chief Officers)</b> (3 Members where the appeal does not relate to a Chief Officer and taken from whole membership of the Council)</p> <p><b>Independent Panel</b> –minimum 2 Independent Persons</p>
Substitute Members Permitted	Not applicable

Political Proportionality Rules Apply	Yes  (Not applicable to Independent Panel)
Appointments/Removals	Chief Officer Appointments Sub Committee - the Chief Executive in consultation with the Leader  Disciplinary Matters and Appeals – the Chief Executive*  Independent Panel- Resolution of Full Council
Restrictions on Membership	<ul style="list-style-type: none"> <li>• Member Sub Committees (other than appeals not relating to senior officers) must include at least one Cabinet Member</li> <li>• the same Members shall not sit on both the Investigating and Disciplinary Sub Committee and the Appeal Sub Committee in relation to the same or related matters</li> </ul>
Restrictions on Chair/Vice-Chair	None
Quorum	Member Sub Committees – 3  Independent Panel - 2
Number of Ordinary Meetings per Council Year	Not applicable – meetings convened as required

The Chief Executive (or their designated deputy) has the delegated authority to appoint members to the Appointments and Conditions of Service Sub-Committees as necessary and appropriate.

Membership of Sub Committees will be drawn from the whole of the membership of the Council in consultation with the Leaders of all political groups entitled to make appointments to the Sub Committees. The Head of People, or their nominated deputy will be appointed as an Advisor to the Sub Committee. In the event that it is necessary to convene an Investigating and Disciplinary Sub Committee or Appeal Sub Committee to consider any matter relating to the Head of Paid Service, the delegated authority shall not be exercisable by the Chief Executive but by their designated deputy or in his/her absence by any Chief Officer. In such a case, the Investigating and Disciplinary Sub Committee

shall have delegated authority to appoint an advisor who may be an officer of the authority or an external advisor.

### 3.9.2 Remit and Terms of Reference

The Appointments and Conditions of Service Sub Committees will be primarily responsible for:

- To interview candidates for the Head of Paid Service and to recommend an appointment to the Council.
- To interview and appoint Directors (Chief Officers).
- To deal with disciplinary matters in relation to Statutory Officers (the Head of Paid Service, Monitoring Officer and Chief Finance Officer) and Chief Officers.
- To determine appeals relating to disciplinary action against Chief Officers and appeals against sanctions imposed in relation to Statutory Officers falling short of dismissal. In the case of a recommendation to dismiss a Statutory Officer, such recommendation will be made directly to Council whose decision shall be final.
- A Chief Officer Sub Committee may also be convened, using the procedure for the Investigating and Disciplinary Sub Committee, to determine pension and redundancy entitlements for Chief Officers. This function is normally delegated under the relevant HR policy to a Discretionary Payment Panel of Officers, with appeal to the Head of Paid Service. An alternative mechanism for appeals is accordingly required in respect of Chief Officers.

### 3.10 Chief Officers Appointments Sub Committees

The appointment of the Head of Paid Service must be approved by the Council. The role and function of the Chief Officers Appointment Sub Committee is to make Chief Officer appointments with the exception of the Head of Paid Service where their remit is to interview candidates for the Head of Paid Service and to recommend an appointment to the Council.

The Sub Committee must include at least one Cabinet Member.

It will normally comprise the Leader, Deputy Leader, Leader of the main Opposition Group and such other Members taken from the whole membership of the Council as may be determined and to reflect political balance



### 3.11 Investigating and Disciplinary Sub Committee

To deal with disciplinary matters in relation to Chief Officers and Statutory Officers. The Sub Committee must include at least one member of the Executive.

#### 3.11.1 Remit and Terms of Reference

- to determine whether, on receipt of the conclusion of any preliminary investigation, a detailed investigation should be carried out
- to delegate to an investigating officer to be appointed by them responsibility for the conduct of that investigation
- in respect of any matter relating to the Chief Executive and Head of Paid Service, where necessary and appropriate, to suspend the Chief Executive after it has conducted its initial assessment. In the event that it is necessary to suspend the Chief Executive prior to a meeting of the Investigating and Disciplinary Sub Committee delegated authority to affect such suspension shall be exercisable by the Deputy Chief Executive or, in his or her absence, by any Chief Officer in consultation with the Leader and Deputy Leader
- in the case of the suspension of any officer other than the Head of Paid Service, delegated authority shall be given to the Chief Executive/Head of Paid Service or their designated deputy to effect such suspension
- to review the continued suspension of the Head of Paid Service at not more than two monthly intervals
- to conduct a disciplinary hearing
- at the conclusion of the disciplinary hearing to determine whether to:
  - a. take no further action; or
  - b. exonerate the Chief Officer, or
  - c. state their opinion as to whether (and if so the extent to which) the evidence they have obtained supports any allegation of misconduct against the Chief Officer.
  - d. To determine appropriate disciplinary action which may include:
    - i. Recorded oral warning
    - ii. Written warning
    - iii. Suspension on half pay or no pay for a specified period
    - iv. Relegation (i.e. a reduction in salary) for a specified period
    - v. An invitation to resign or accept retirement
    - vi. Dismissal with notice

*Note: In the case of disciplinary action which may result in the dismissal of the Head of Paid Service, s151 Officer or Monitoring Officer, the Investigating and Disciplinary Sub Committee has no delegated power to*

*dismiss the relevant Officer but may only make a recommendation to Council regarding dismissal of the Officer subject to disciplinary proceedings.*

*Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal the Council must take into account any advice, views or recommendations of an Independent Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant Officer.*

vii. Dismissal without notice

*Note: See note above in relation to the proposed dismissal of the Head of Paid Service, S151 Officer or Monitoring Officer.*

viii. To determine alternatives to dismissal, including:

- informal resolution or other appropriate procedures;
- early retirement;
- secondment; and
- redeployment to a more junior post where there are issues relating to capability.

ix. To refer back to the Investigating Officer for further investigation and report.

## 3.12 Chief Officer Appeals Sub Committee

The Sub Committee must include at least one Cabinet Member.

### 3.12.1 Remit and Terms of Reference

- to determine appeals against the decisions of the Investigating and Disciplinary Sub Committee relating to disciplinary action against Chief Officers and appeals against sanctions imposed by the Investigating and Disciplinary Sub Committee relating to Statutory Officers falling short of dismissal.

NOTE: In the case of the Investigating and Disciplinary Sub Committee making a recommendation to dismiss a Statutory Officer, such recommendation will be made directly to Council whose decision shall be final; and

- The Chief Officers Appeal Sub Committee shall have the same powers, at the conclusion of the appeal hearing, as the Investigating and Disciplinary Sub Committee as set out in their remit and their decision shall replace that of the Investigating and Disciplinary Sub Committee, save that any appeal against a recommendation of the Investigating and Disciplinary Sub Committee to dismiss a Statutory Officer shall not fall within the remit of the Chief Officers Appeal Sub Committee but shall rest with the Council with the decision of Council being final.

### 3.13 Employee Appeals Sub Committee

To deal with any appeals relating to staffing matters to which there is a right of appeal to Elected Members (where there is no express right of appeal to Councillors, there will be a presumption that any appeal will be to the appropriate Officer).

There is no requirement for a Cabinet Member to sit on this Sub Committee.

### 3.14 Independent Panel

The Independent Panel will comprise at least 2 Independent Persons appointed under the Localism Act 2011.

#### 3.14.1 Remit and Terms of Reference

To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Officer.

The Panel, in so doing, will consider:

- The recommendation of the Investigating and Disciplinary Sub Committee and the reasons in support of that recommendation.
- The report of the Independent Investigator.
- Any oral and/or written representations from the Statutory Officer.

The Council must invite Independent Persons to be appointed to the Panel in the following priority order:

- a. a relevant Independent Person who has been appointed by the authority and who is a local government elector; or
- b. any other relevant Independent Person who has been appointed by the authority; or
- c. a relevant Independent Person who has been appointed by another authority or authorities.

The Council must appoint the Panel at least 20 working days before the Council meeting at which any vote is taken on whether or not to approve the dismissal of a Statutory Officer

## **Section 4 – Responsibility for Executive Functions**

### **4.1 Introduction**

The Council operates the Leader and Cabinet model of Executive.

All Councillors vote to elect a Leader, and the Leader then appoints a Cabinet of between two and nine Councillors, including a Deputy Leader. The Leader and Cabinet are collectively called the ‘Executive’. Where the Leader and members of their Cabinet meet together, they are collectively referred to as “the Cabinet.”

The Executive is responsible for almost of all the Council’s major strategic decisions, including those affecting housing and homelessness, climate action and environment, economic development and strategic infrastructure, community safety and community wellbeing and city services and the procurement of all works, goods and services for the Council. The Leader and the Cabinet are responsible for all decisions except those that are reserved by legislation or the Constitution for the Full Council or to specific Officers to carry out.

The Leader is the Key Decision maker within the Executive. The Leader determines who makes Executive decisions and delegates most powers either for collective decision making by the Cabinet, Cabinet Committees, Individual Cabinet Members or to Officers.

The scheme of delegation of Executive functions by the Leader to Individual Cabinet Members and Officers is contained in the Executive Procedure Rules in Part 4 of the Constitution. Unless expressly reserved for decision by the Leader, the Cabinet, a Cabinet Committee or Individual Cabinet Members, all Executive decisions are delegated to Officers. The Leader may amend the scheme of delegation from time to time and the Monitoring Officer will be responsible for keeping a record of the Scheme.

### **4.2 Open Governance**

The Cabinet meets as frequently as is required for the effective discharge of its functions on dates and times agreed by the Leader. Cabinet meetings are open to the public and the agenda and reports are publicly available. Some matters may be considered privately, where permitted by law, but the reasons for doing this will be made public. Meetings will normally be held at the Council’s designated offices but can be held at other locations determined by the Leader.

The Cabinet normally makes all the ‘Key Decisions,’ taken by the Council unless these are delegated to Individual Cabinet Members or Officers. Key Decisions are generally decisions with a significant financial value (spend or save £500k or more) or risk, or which have a with significant impact on two or more Wards within the District and 28 days public notice of Key Decision is given on the Council’s Forward Plan, which is published on the Council’s website.

### 4.3 Checks and Balances

Checks and balances to the Executive’s powers exist in the Council:

- Full Council - must set the Budget and Policy Framework; the Council Tax and agree the annual budget that the Executive must work within and the Council’s major policy decisions. It also determines matters relating to governance, staffing and also regulatory decisions such as planning and licensing.
- Overview and Scrutiny Committees - can review and scrutinise Executive decisions through an annual work plan and have the power to ‘call in’ Executive decisions before they are implemented. Overview and Scrutiny Committees may make recommendations to the Cabinet.
- The Policy and Budget Framework - where an Executive decision is considered to be outside of the Policy and Budget Framework, it can be referred to Full Council.
- Councillors Question Time - any Member of the Council can question Members of the Cabinet about their decisions and policies.
- Questions by members of the public – members of the public may also ask questions at the Council Meeting in relation to decisions taken by Cabinet.

### 4.4 Role

The Executive will carry 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.

Meetings of the Cabinet will be Chaired by the Leader. It will consist of no fewer than two and no more than nine other members appointed by the Leader, one of whom shall be designated Deputy Leader and all of whom will be known as Cabinet Members.

Only Councillors will be appointed to the Cabinet. There will be no co-optees, no deputies and no substitutes for Cabinet Members. The Leader and Cabinet Members may not be

members of any Overview and Scrutiny Committee. The Chair and Vice Chair of the Council may not be members of the Cabinet.

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by them. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- a. the size of the Cabinet;
- b. the names, and Wards of the people appointed to the Cabinet by the Leader;
- c. the name, and Ward of the person appointed to be the Deputy Leader;
- d. the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their Authority;
- e. the terms of reference and Constitution of such Committees of the Cabinet as the Leader appoints and the names of Cabinet Members appointed to those Committees;
- f. the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- g. the nature and extent of any delegation to Officers, in addition to delegations already listed within this Constitution, with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

The rules relating to the Cabinet including the appointment of the Leader and other Cabinet members are set out in the Executive Procedure Rules in Part 4 of this Constitution.

#### 4.5 Functions reserved to the Leader

The following functions are reserved to the Leader:

- to lead on implementing the Council's policy and budget decisions;
- to provide leadership of the Council by setting the strategic direction and key priorities and overseeing the development of the financial strategies;
- to represent the Council in the community and in negotiations with regional and national public service organisations;
- to be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders;

- to take overall responsibility for the performance framework, including the monitoring of targets;
- to lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications;
- the appointment of a Deputy Leader;
- to appoint between two and nine Councillors to be Cabinet Members;
- to allocate to Cabinet Members areas of responsibility (portfolios);
- to appoint Cabinet Assistants as appropriate;
- to provide leadership to the Cabinet and to chair Cabinet meetings;
- to ensure the efficient despatch of business consistent with the Council's policies and strategies;
- to notify the Monitoring Officer of the allocation of responsibility so that the information can be published in the Constitution.
  - The record of delegation of Executive functions to Cabinet Members may be amended by the Leader at any time during the year, but written notice must be provided to the Monitoring Officer and the Cabinet Member, body or Committee concerned.
  - The record of delegation must be reported to the Annual Meeting of Full Council and material amendments must be reported to the Full Council.
- to take responsibility for Cabinet or portfolio functions in the absence of a Cabinet or Individual Cabinet Member;
- to reserve to themselves or the Cabinet as a whole the determination of an Executive decision or the taking of a particular course of action pertaining to a Cabinet function; and
- to reserve to Individual Cabinet Members or the Cabinet as a whole the determination of consultation responses and the launch of consultation exercises on behalf of the Council, except for day-to-day technical and operational consultations which amount to Administrative Decisions made by Officers.

### Cabinet Assistants

Cabinet Assistants may be appointed by the Leader to provide advice and support to specific Cabinet Members with their portfolio responsibilities. They have no decision-making authority, but may help develop policy, carry out research and support liaison with other councillors, senior officers and other stakeholders.

## 4.6 Functions Reserved to the Cabinet

Decisions in respect of the following shall be taken by the Cabinet as a whole:

- to take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services;
- to take collective responsibility for any Executive decision that has significant implications across two or more portfolios;
- to determine any Key Decision (as defined in Article 11 – Decision Making) in relation to executive functions, with the exception of any urgent, or routine decisions, which may be determined by the relevant Cabinet Member or Chief Officer;
- to be responsible for budget planning, monitoring and expenditure/savings over £500,000, with the exception of any urgent, or routine decisions, which may be determined by the relevant Cabinet Member;
- to make decisions on actions relating to the awarding, assigning and termination of contracts over £500k, and waiving or granting exemptions to Contract Regulations where contracts are over £500k, with the exception any urgent, or routine decisions, which may be determined by the relevant Cabinet Member;
- to determine the Council's response to applications by third parties for strategic infrastructure within the Council's area made under the Transport and Works Act or Development Consent Order regimes;
- to promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations;
- to take a leading role in promoting the economic, environmental and social wellbeing of the area;
- determine policies or strategies that will have a significant impact on two or more Wards;
- to promote the Council's corporate and key strategies and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework;
- to lead the delivery of transformation within the Council;
- to be responsible for the Council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit;
- to determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions;



- any decisions which in the opinion of the Leader should be determined by Cabinet;
- proposing the Budget and Policy Framework and Capital Programme to the Council;
- approving the Risk Management Strategies and Policies and reviewing the effectiveness of Risk Management Arrangements;
- approval to the carry forward of underspends as required by the Council's Financial Regulations;
- approval of in year budget reallocations above the limit stipulated by the Council's Financial Regulations;
- reallocation of capital budgets which do not exceed the overall capital programme;
- authorising the write-off of bad or doubtful debts above the amount specified as delegated to the Section 151 Officer in the Scheme of Delegation to Officers; and
- approval of Fees and Charges as part of the Budget process and any in year changes unless statutorily prescribed;

#### 4.7 Functions Reserved to Individual Cabinet Members

The Leader has allocated a “portfolio” to each Cabinet Member and delegated to each responsibility for the discharge of functions.

All Cabinet Members have the following delegations in relation to their area of responsibility:

- to exercise the Executive powers and duties of the Council for strategic development, policy direction, partnership working, urgent, or routine Key Decisions, and programme and performance management, in accordance with the Council's procedure Rules;
- to be responsible for ensuring the successful delivery of business transformation in relation to their area of responsibility;
- to request the relevant Scrutiny Committee to review changes to policy and strategy within these service areas;
- to be responsible for budget planning, monitoring and expenditure/savings over £500,000, where urgent or routine decisions, in these service areas with Chief Officers and the Chief Finance Officer, ensuring that it remains within the cash limit, reporting any issues which cannot be resolved within the service budget to the Leader of the Council;

- To act as the Council’s lead spokesperson, representative on strategic bodies and Champion for these service areas and to respond to relevant consultations by Central Government and other agencies; and
- To make urgent, or routine decisions on actions relating to contracts in exceptional circumstances including:
  - Awarding, assigning and terminating contracts over £500k;
  - Waiving or granting exemptions to Contract Regulations where contracts are over £500k.

## **Section 5 – Overview and Scrutiny Committees**

### **5.1 Introduction**

- 5.1.1 Effective Overview and Scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Council has appointed two Overview and Scrutiny Committees, namely the Services, Communities and Climate Scrutiny Committee and the Performance, Assets and Strategy Scrutiny Committee, to discharge the functions conferred by Section 9F of the Local Government Act 2000 and any regulations. These Committees will discuss issues in public and take a cross-cutting approach to their work.
- 5.1.2 In accordance with Section 9FA of the above Act, they may appoint one or more Task and Finish Groups, provided that each Overview and Scrutiny Committee will appoint not more than 2 Task and Finish Groups in any civic year. Task and Finish Groups will be given a clear remit by their appointing Committee, be time limited and task focused and will report back to the parent Committee.
- 5.1.3 Each Committee will comprise of eight Members, or a number to be determined at Annual Council and will be politically balanced. No Member of the Cabinet may be a Member of an Overview and Scrutiny Committee.

### **5.2 Remit of the Services, Communities and Climate Overview and Scrutiny Committee**

The Services, Communities and Climate Overview and Scrutiny Committee will be responsible for the Overview and Scrutiny of the following Cabinet portfolios:

- Climate and Environment
- Communities

- Community Safety, Homelessness and Wellbeing
- Open Spaces

The Services, Communities and Climate Overview and Scrutiny Committee will include the Overview and Scrutiny of crime and disorder strategies, safeguarding and RIPA as set out below:

- pursuant to the requirements of the Police and Justice Act 2006 (as amended), review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area or in relation to a local crime and disorder matter, and to make reports or recommendations to the Council for the discharge of those functions, and arrange for copies of any report to be sent to those bodies and persons responsible for crime and disorder strategies for the area (and such other co-operating persons and bodies as it thinks appropriate);
- to consider a local crime and disorder matter, (including in particular forms of crime and disorder that involve anti-social behaviour, or adversely affecting the local environment, or the misuse of drugs, alcohol and other substances), referred to it by any Member of the Council or by Executive pursuant to the requirements of the Police and Justice Act 2006 (as amended);
- consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA); and
- consider reports relating to the Authority's safeguarding responsibilities.

### 5.3 Remit of the Performance, Assets and Strategy Overview and Scrutiny Committee

The Performance, Assets and Strategy Overview and Scrutiny Committee will be responsible for the overview of the following Cabinet portfolios:

- Planning and Infrastructure
- Finance and Resources
- Housing
- Leader

The Performance, Assets and Strategy Overview and Scrutiny Committee will also have oversight of the Council's functions relating to Cambridgeshire and Peterborough Combined Authority.

## 5.4 Functions of the Overview and Scrutiny Committees

- 5.4.1 The primary purposes of the Overview and Scrutiny Committees are to hold the Executive to account and to improve the delivery of policies and services. The Terms of Reference are the performance of all Overview and Scrutiny functions on behalf of the Council and as set out in Section 9F of the Local Government Act 2000.
- 5.4.2 The Overview and Scrutiny Committees will:
- hold the Executive to account for their actions;
  - advise on the development and implementation of new policy and corporate projects affecting the City or its inhabitants;
  - test whether existing policies and practices are effective and efficient by carrying out reviews and suggest how they might be improved;
  - ensure the rigour and objectivity of performance management and service reviews;
  - conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options; and
  - liaise with other external organisations operating in the City, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.
- 5.4.3 For specific issues, the work of the Committees can be carried out by Task and Finish Groups, which will be appointed and managed by the Committees. These groups may draw upon the knowledge and expertise of all Members of the Council.

## 5.5 Holding the Executive to Account

The Overview and Scrutiny Committees will hold the Executive to account for the discharge of its functions. The principal ways by which they will do this are as follows:

- scrutinising decisions which the Executive is planning to take, as set out in the Forward Plan;

- scrutinising decisions of the Cabinet and Individual Cabinet Members before they are implemented, and, if necessary, using the ‘Call-in’ mechanism to require the decision taker to reconsider their earlier decision; and
- scrutinising decisions of the Executive or Individual Executive Members after they have been implemented as part of a wider review.

## 5.6 Finance

The Overview and Scrutiny Committees may exercise overall responsibility for any finances made available to them.

## 5.7 Annual Report

The Overview and Scrutiny Committees may report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

## 5.8 Officers

The Overview and Scrutiny Committees may exercise overall responsibility for the work programme of any Officers employed to support their work.

## 5.9 Proceedings of the Committee

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

## 5.10 Working Methods

The following principles should be adhered to by the Overview and Scrutiny Committees when carrying out their work:

- a variety of different approaches and formats for meetings may be used;
- Task and Finish Groups reporting periodically and at the end of reviews to the Overview and Scrutiny Committees;

- membership of the Committees should be tailored to ensure appropriate skills and expertise, and external input, are brought to bear;
- when appropriate, full consultation with all other stakeholder groups and organisations should take place;
- the declaration of interest rules will apply;
- the imposition of the Party Whip is regarded as being incompatible with the work of the Overview and Scrutiny Committees; and
- where the Overview and Scrutiny Committees are reviewing the work of a regulatory or other Committee of the Council (as opposed to the Executive), they will not scrutinise individual decisions made by such Committees, particularly decisions in respect of planning, licensing, registration, consents, and other permissions. Scrutiny will not be an alternative to the normal appeals procedures. However, the Overview and Scrutiny Committees have the power to make reports and recommendations on functions which are not the responsibility of the Executive, an option normally to be used as part of wider policy reviews.

### 5.11 Support

In order that the Overview and Scrutiny Committees can perform their role properly, they will be given the following support:

- effective and properly resourced support from Officers;
- appropriate financial resources;
- access to the advice of the Council's Monitoring Officer;
- the ability to require Cabinet Members and Officers to attend to answer questions;
- specific training and development for all persons who undertake Overview and Scrutiny duties; and
- access to the Forward Plan, containing details of all the matters likely to be the subject of Key Decisions, or to be considered in private by the Executive, or its Committees or by Officers.

### 5.12 External Partners

The Overview and Scrutiny Committees may receive reports on the work of outside bodies.

The Overview and Scrutiny Committees may invite representatives of external stakeholders to address the Committee on the work of that stakeholder body.

## Section 6 – Cabinet Groups

Cabinet Groups are advisory bodies established at the discretion of the Leader to support the effective discharge of Cabinet and Officer functions.

These groups are designed to provide focused discussion, analysis, and recommendations on specific areas of policy or service delivery. Cabinet Groups do not possess any formal decision-making powers. Findings and recommendations are reported directly to the Cabinet, Cabinet Member or Officers for consideration and action as appropriate.

### 6.1 Equalities Panel

Appointed by:	Cabinet
Terms of Reference:	
<ul style="list-style-type: none"><li>• To monitor the Council's progress against the implementation of the Council's Race Equality Scheme</li><li>• To monitor relevant national and local performance indicators and the Council's progress against the Equality Standard for Local Government</li><li>• To monitor the Council's progress against the implementation of present and future equalities legislation</li><li>• To evaluate the equalities implications for the Council of the results of Council consultation</li><li>• To evaluate the work the Council is undertaking to help communities directly affected by equalities issues become more fully engaged in the work of the Council</li><li>• To review and quality assure a selection of Equality Impact Assessments (EqIAs) of the Council's projects, policies and plans</li></ul>	
<b>Principles and Objectives</b>	
The Panel will support Council-led initiatives that:	
<ul style="list-style-type: none"><li>• Play a leading role in the promotion of equalities and diversity.</li><li>• Celebrate the diversity of lifestyles, faiths and cultures of the local population.</li><li>• Respect and value differences.</li><li>• Challenge and aim to eradicate discrimination.</li><li>• Encourage the identification and sharing of good practice.</li><li>• Establish networks and joint/partnership working internally and externally.</li></ul>	

- Develop and implement positive action to achieve cultural change.
- Improve workforce representation in recruitment, training and promotion.
- Promote positive relations and tolerance in the workplace and community.
- Focus on the equality target groups:
  - Black and Minority Ethnic communities, including Gypsies/Travellers, refugees and asylum seekers.
  - Women and transgendered people.
  - Disabled people.
  - Lesbian, gay and bisexual people.
  - Older people.
  - Children and young people.
  - Faith or belief groups.
  - Marriage and civil partnership.
  - Pregnancy and maternity.
  - Low income groups.

## Section 7 – Joint Arrangements

The Council or the Cabinet, in order to promote economic, social and environmental wellbeing in the City, may enter into arrangements and agreements with any person or body.

### 7.1 Introduction

This section sets out the Joint Committees and partnership bodies on which the Council is represented. It gives details of who is responsible for making appointments to the different bodies and the bodies' purpose or terms of reference.

For joint advisory committees, Cambridge City adheres to political proportionality rules where possible and appropriate.

### 7.2 Joint Development Management (Cambridge Fringes)

Appointed by:	Council (6 politically proportional to seats on Council, 6 Members appointed by South Cambridgeshire District Council]
Terms of Reference:	



For full details please see:

[Greater Cambridge Shared Planning Service Scheme of officer delegation and guidance documents](#)

### 7.3 Cambridge City Joint Area Committee

Membership	6 from Cambridge City Council, 6 from Cambridgeshire County Council
Appointed by:	Full Council
Terms of Reference:	
<a href="#">Cambridge Joint Area Committee Terms of Reference</a>	

### 7.4 Joint Planning Advisory Board

Membership	5 Members from each of Cambridge City Council, South Cambridgeshire District Council, and one from Cambridgeshire County Council. Membership of the group will be determined by each Authority.
Appointed by:	Full Council
Terms of Reference:	
<p>The Group is non-decision-making and will offer advice and guidance at Member level for the development of land use plans including any supplementary plans, integrated with relevant transport and other strategies of the constituent Councils and key partners. It will meet in public. The group will support cooperation and collaboration between the authorities and enable a fuller exploration of key plan and planning policy related matters with subject matter experts, leading to better decision making through the relevant processes.</p>	

The Group's recommendations will be reported and addressed/considered in officer reports to the respective Councils, as the Local Planning Authorities for their area for decision-making to be completed through each Council's democratic processes.

### **Purpose**

- The group's discussion will enable and support the efficient and effective development and coordination of spatial planning and related policy for the Cambridge City and South Cambridgeshire districts.
- The group will provide an opportunity for three-way discussion on other strategic and cross-boundary issues, at the discretion of the Chair in discussion with Vice Chair.
- There will be liaison with neighbouring authorities and other relevant bodies when appropriate.

### **Outcomes**

The outcomes from the group will be:

- (a) to facilitate a shared policy position that will allow the timely development of the new Greater Cambridge Local Plan, coordinated/integrated with transport policy and other associated strategies; and
- (b) to facilitate a shared policy position that will allow the timely development of other key planning policy documents within the Greater Cambridge area.

### **Membership**

1. The group will consist of up to five Members from each of Cambridge City Council, South Cambridgeshire District Council, and one from Cambridgeshire County Council. The membership of the group will be determined by each authority.
2. Each authority should also nominate substitutes should the core participants not be able to attend particular meetings.

**Frequency of meetings**

Every two months or as necessary, hosted on a rotating basis.

**Format of meetings**

Formal meetings of the Group will expect to meet in public and will be conducted in accordance with Standing Orders to be agreed at the first meeting of the Advisory Group.

The group may also meet to receive confidential briefings, associated with exempt matters that, in the opinion of the Chair warrant the exclusion of the public from the relevant part of the meeting. Confidential matters will be held in private session in accordance with the associated constitution.

**Secretariat**

The secretariat for the group will be provided by either Cambridge City Council or South Cambridgeshire District Council.

The Chairman and Vice-Chairman will be from Cambridge City Council and South Cambridgeshire District Council and will alternate annually.

Chairmanship and vice chairmanship will be determined each year on the anniversary of the first meeting.

**Winding Up of the Group**

The Group will be wound up by any one of the following means:

- (a) on withdrawal from the Advisory Group by one of Cambridge City Council or South Cambridgeshire District Council; or
- (b) on a simple majority vote by Members of the Advisory Group.

The Joint Committees will be subject to the administering authorities Access to Information Rules.

## 7.5 Greater Cambridge Partnership (GCP) Executive Board

Membership	Three elected members with full voting rights (one from each of the three member Councils; Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council.  Two non-voting members (one from the Business Board and one from the University of Cambridge).
Appointed by:	Full Council
Terms of Reference:	
<a href="#"><b>GCP Executive Board TOR</b></a>	

## 7.6 Greater Cambridge Partnership (GCP) Joint Assembly

Membership	Three elected members appointed by each of the three Member Councils; Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council.  Three co-opted members nominated by the Business Board.  Three co-opted members nominated by the University of Cambridge.
Appointed by:	Full Council
Terms of Reference:	
<a href="#"><b>GCP Joint Assembly TOR</b></a>	

# Section 8 – Officers Scheme of Delegations

## 8.1 Introduction

This Officer Scheme of Delegation (the Scheme) has been adopted by the Council and sets out the extent to which the powers and duties of the Council are delegated to Officers under

the Local Government Act 1972, the Local Government Act 2000 (as amended) and all other powers enabling the delegation of Executive and Non-Executive functions to Officers.

The Officer Scheme of Delegation is intended to provide a streamlined, clear and simple decision-making process and empower Officers to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team.

The Scheme is designed to enable the smooth and effective operation of decision making across the Council and to enhance accountability for decisions.

All references to legislation shall be deemed to include any subsequent amendments to such legislation.

Under section 101 of the Local Government Act 1972 the Council may authorise an Officer to commission and monitor work for and on behalf of the Council by people who are not Officers of the Council. Such people will be bound by this Scheme, and the obligations contained in it, at all times when engaged on Council business.

In this Scheme references to powers and functions of 'the Council' include the powers and functions of the Cabinet (Executive).

The delegations under this Scheme are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

Where an Officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is open to an Officer not to exercise delegated powers but to refer the matter to the Council or Cabinet as appropriate.

## 8.2 Limitations

Any exercise of delegated powers under this Scheme is subject to the overriding requirements, restrictions and exceptions as set out below.

## 8.3 Consultation and Liaison

When exercising delegated powers Officers must consult as appropriate, give due regard to any advice received and keep Councillors and relevant other Officers properly informed of actions arising within the scope of the delegation exercised. Officers must liaise closely with the Cabinet/Portfolio Holder in respect of Executive functions and the Chair of the

relevant Committee in respect of non-executive functions which fall within the remit of that Committee.

Officers must ensure Ward Councillors are consulted or advised of the exercise of delegated powers relevant to their area where appropriate.

Officers must ensure that the Chief Executive (Head of Paid Service), Chief Finance Officer (Section 151 Officer) and the Head of Legal Practice (Monitoring Officer) are consulted and advised of any decisions as necessary.

## 8.4 Using a Delegation

Before exercising any delegated power, Officers must consider whether to consult with the relevant Portfolio Holder or Committee Chair on the exercise of the delegated powers, or not to exercise delegated power and instead refer the matter to the relevant Councillor or Council body to decide.

The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant Officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate Council Body for a decision.

This does not limit the general requirements set out elsewhere in the Constitution to consult with relevant Ward Councillors, Committee Chairmen and interested groups in reaching decisions.

## 8.5 Functions Which Are Not Delegated

This Scheme does not delegate to Officers:

- a. any matter reserved to Full Council;
- b. any matter which by law may not be delegated to an Officer;
- c. any Key Decision; or
- d. any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet.

## 8.6 Restrictions

Any exercise of delegated powers is subject to:

- a. any statutory restrictions;
- b. the budget and policy framework;
- c. any provision of this Constitution including the Procedure Rules;

- d. any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
- e. any policy set by the Council or its Committees, the Cabinet, the Leader or Chief Executive;
- f. the Employee Code of Conduct; or
- g. the exceptions set out below.

#### *8.6.1 Transfer of Functions*

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be.

This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee / Sub Committee.

In the event of a restructure the Chief Executive shall have authority to re allocate the delegated powers to other posts and shall give notice of this to the Head of Legal Practice.

Any use of this delegated power must be reported to the Council and / or to the Cabinet as soon as practicable.

#### *8.6.2 General Delegation of Powers to Chief Executive and Chief Officers*

This Scheme delegates to the Council's Chief Executive and Chief Officers all Executive and non-executive powers and duties relevant and to their areas of responsibility as set out below, and as may be assigned from time to time, that rest with the Council or which have been delegated or granted to the Council, subject to the restrictions, requirements and exceptions set out below. This includes all powers and duties under all legislation present and future relating to a Chief Officer's area of responsibility and all powers and duties incidental and conducive to that legislation and the discharge of their functions including, but not limited to, those detailed in this Scheme.

#### *8.6.3 Powers in Relation to Staff*

Any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill

health retirement and determination of establishment except as set out in the exceptions below.

#### *8.6.4 Powers in Relation to Contracts and Property*

Agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and appoint specialist advisors and consultants and in relation to property to acquire, dispose of, let and licence subject to the Contract Procedure Rules and Financial Regulations. In respect of any development of land and buildings which is proposed to be carried out for the purposes of statutory functions within the sphere of his/her responsibility to authorise an application for planning permission to the Planning Committee, and once such permission has been received, to authorise the carrying out of such development in accordance with the terms and conditions of such permission.

#### *8.6.5 Powers in Relation to Finance*

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods, or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, subject to the requirements of the Financial Procedure Rules or the exceptions set out below.

#### *8.6.6 Powers in Relation to Equipment*

Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation (but if the purchase involves a leasing arrangement this must be made by the Section 151 Officer.)

Hire of plant subject to inclusion of cost of hire within approved estimates. Disposal of surplus plant, equipment and materials

#### *8.6.7 Powers in Relation to Legal Action*

In consultation with the Head of Legal Practice as appropriate, take any steps to implement a decision of the Council, Cabinet or any Committee. In consultation with, and subject to the agreement of the Head of Legal Practice as appropriate, authority to appear, institute proceedings, prosecute, defend, negotiate a settlement and take any steps necessary in any proceedings on behalf of the Council. This must be in consultation with



other Officers as necessary and subject to the requirements of the Financial Regulations in relation to risk management and insurance.

Any agreement to settle proceedings would generally be within parameters which had first been agreed informally by relevant Members.

Limitations on authority to delegate these powers are set out below.

In consultation with the Head of Legal Practice as appropriate, powers to authorise, appoint or nominate named Officers according to their individual training and experience, with reference to guidance and industry best practice and without limitation to:

- investigate, prosecute, enforce, lay summons;
- require individuals to disclose information;
- serve requisitions for information;
- publish information;
- make applications to court (including for warrants);
- sign, issue, serve, vary, revoke and publish notices, including fixed penalty notices, and serve documents;
- make, suspend, or vary prohibition notices or prohibition orders;
- issue temporary exemption notices;
- take emergency remedial action;
- carry out works in default;
- issue certificates, consents, permits, licenses;
- refuse, vary, suspend or revoke licences or licensing applications;
- obtain, introduce, operate, amend, extend, vary and revoke orders;
- impose conditions;
- introduce and maintain registers;
- without force, exercise powers of entry and / or seizure; and
- vary or revoke and in relation to land relevant to service functions.

TO NOTE: applications for licences, planning, consents and approvals, a declaration and grant, vary, revoke and attach conditions to consents and charge property except as set out in the exceptions below.

#### *8.6.8 Authorisation must be in writing*

Chief Officers may authorise named persons, whether employed by the Council or not, to act on behalf of the Council to exercise these powers.

#### *8.6.9 Powers in Relation to Documents*

Affix the Common Seal of the Council to any document. This includes affixing a seal by electronic means where permitted subject to any process established by the Legal Service. It also includes the signing of any document as an authorised signatory on behalf of the Council where this is required and no other authority to sign the document exists. This includes signing by electronic means where permitted.

To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, Committees or Sub Committees and/or Officers acting under delegated powers. This includes signing by electronic means where permitted. The Contract Procedure Rules contain separate provisions regarding the signing of contracts.

#### *8.6.10 Powers in Relation to Ombudsman Matters*

To agree local settlements in consultation with the relevant Cabinet Member where they consider it in the interests of the Council to do so. To agree remedies in accordance with any policy adopted by the Council in relation to complaints and maladministration.

#### *8.6.11 Delegation of Specific Powers*

##### *The Chief Executive*

The Chief Executive is the Council's Head of Paid Service and as such is responsible for all staffing matters which can be summarised as:

- a. The manner in which the discharge by the Council of its different functions is co-ordinated.
- b. The number of grades of staff required by the authority for the discharge of its functions.
- c. The organisation of the authority's staff.
- d. The appointment, dismissal and proper management of the authority's staff, other than in relation to Chief Officers.

This authority includes but is not limited to:

- a. to alter the areas of responsibility of the Chief Officers set out in the areas of responsibility table below;
- b. to make arrangements for the appointment of Chief Officer roles and to make appointments to Deputy Chief Officer roles;

- c. to agree the Human Resources Policies following relevant consultation;
- d. to make any changes necessary to the Employee Code of Conduct following relevant consultation;
- e. In consultation with other appropriate Chief Officers, to settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.;
- f. to make any agreements with other local authorities for placing staff at the disposal of those other local authorities;
- g. to appoint any individual to any office other than an office in which he is employed by the Council;
- h. The Chief Executive is the Council's Returning Officer and Electoral Registration Officer and has all Proper Officer powers relating to these roles;
- i. The Chief Executive may give such directions as they may consider necessary to secure the efficient management and execution of the Council's functions; to secure co-ordination of advice and forward planning of objectives and services; to secure a corporate approach to the affairs of the Council generally, to achieve the efficient and effective implementation of the Council's strategies and policies and the effective deployment of the Council's resources towards those ends; to maintain good internal and external relations; to determine the allocation of office accommodation.
- j. The Chief Executive may carry out the powers and duties of the Chief Officers in their absence or in consultation with them and in addition to the powers detailed above, or in their capacity as a designated Proper Officer and without limitation, has following additional powers
- k. To carry out the powers and duties of any of Officers in their absence or in consultation with them
- l. To incur expenditure in the event of a civil emergency
- m. to take all such action as considered appropriate in any emergency (as defined by the Chief Executive) including making or approving any necessary and urgent arrangements within the powers of the Council for the protection of persons or property in any civil or other emergency
- n. In cases of urgency to take any decision which could be taken by the Council, the Cabinet or a Committee, in consultation with the Leader or relevant Committee Chair, the Section 151 Officer and the Monitoring Officer.

- o. Exclude people from Council premises where they consider it necessary in the interests of health and safety or the maintenance of order.
- p. To be Proper Officer for all Proper Officer functions.
- q. In the absence of the Chief Executive identify a Chief Officer to act as Head of Paid Service/Deputy Chief Executive.

## 8.7 The Chief Finance Officer/Section 151 Officer

In addition to any powers detailed above or in their capacity as a designated Proper Officer and without limitation, the Chief Finance Officer has delegated authority to carry out those responsibilities set out as delegated to them in the Financial Procedure Rules set out at Part 4 of this Constitution.

The Section 151 Officer has authority to write-off any outstanding amount owed to the Council up to the limit of £50,000 in respect of each debt, or to an unlimited amount in respect of any debt where the debtor is in liquidation or has been declared bankrupt. The nominated Deputy to the Section 151 Officer is entitled to act in their absence.

## 8.8 The Monitoring Officer (Head of Legal Practice)

In addition to any powers delegated as detailed above or in their capacity as a designated Proper Officer and without limitation, the Monitoring Officer has delegated authority to:

- a. to certify resolutions and documents as being true copies;
- b. grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Civic Affairs and Audit Committee;
- c. undertake an initial assessment of Member Code of Conduct complaints and determine any further in consultation with an Independent Person;
- d. convene a Standards Hearing Sub-Committee; determine the validity of a Call-In Notice in consultation with the Head of Paid Service and Chief Finance Officer where appropriate;
- e. convene an Exceptional meeting of the Overview and Scrutiny Committee if necessary to consider a Call-in request;
- f. make minor amendments to this Constitution which are required to remove inconsistency or ambiguity, reflect legislative changes or are required to give effect to any decision of the Council or its Committees;
- g. to certify Council records for the purposes of admitting the document in evidence in civil or criminal proceedings' and

- h. The nominated Deputy to the Monitoring Officer is entitled to act in their absence.

## 8.9 Officer Sub-Delegation

Any delegation to a Statutory Officer, Proper Officer, Chief Officer or other Officer includes authority for any further sub-delegation of powers within their area of responsibility (including cross-service delegation where appropriate). This should normally be in writing. Where a decision relates to the functions of Section 151 Officer or Monitoring Officer, their designated deputy shall be entitled to act in their absence.

Officers shall sub-delegate and devolve powers for service delivery and management to Officers who represent the nearest practicable point of delivery to the service user.

### Decision-Making, Records and Publicity

Officers must make, record and publish decisions made under delegated authority in compliance with the Access to Information Regulations 2012 (executive decisions), Openness of Local Government Bodies Regulations 2014 (non-executive decisions), and in accordance with principles of decision making and any requirements set out in this constitution.

### Decision-making and types of decisions

There is no requirement to keep a written record of operational administrative decisions taken within the approval budget and policy framework.

## 8.10 Chief Officer Areas of Responsibility

Below details the non-exhaustive main areas of responsibility of the Chief Officers. Chief Officers have delegated authority to exercise all powers and functions and to take any necessary action within those areas of responsibility unless the power or function is reserved for decision by another body as set out in the exceptions below.

### *Chief Operating Officer*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- Relevant corporate functions, including where appropriate for 3C Legal and 3C ICT/Digital
- Customer Services
- Health and Safety

- Internal Audit
- Procurement
- People functions and HR matters
- Designated Proper Officer for functions within areas of responsibility

#### *Head of Legal Practice*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- Law & Information Governance
- Electoral & Democratic Services
- Designated Proper Officer for functions within areas of responsibility
- Monitoring Officer.

#### *Director - Communities*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- Social landlord functions
- Homelessness and housing advice
- Resettlement
- Equalities community cohesion
- Community investment, development and facilities
- Community Investment
- Sports, leisure and wellbeing
- Environment and Public Safety
- Arts and culture
- Cambridgeshire Home Improvement Agency
- Designated Proper Officer for functions within areas of responsibility

#### *Director – Economy and Place*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- Sustainable and inclusive growth, including economic and development partnerships and Climate Change/NetZero
- Property, land purchases, CPOs, etc.

- Affordable housing, development and partnership agreements including funding arrangements
- To vary scheme designs and tenure of new developments
- Designated Proper Officer for functions within areas of responsibility

#### *Director – City Services*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- Management of the public realm
- Housing maintenance, planned works and compliance
- Markets and street trading
- Public off-street car parking
- Bereavement services
- Management of fleet services
- Designated Proper Officer for functions within areas of responsibility

#### *Joint Director – Planning & Deputy Director of Planning*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- The discharge of all functions of the Local Planning Authority except where reserved for Planning Committee and where in accordance with the Greater Cambridge Shared Planning Service Scheme of Delegation
- The discharge of the Councils responsibilities pursuant to the Building Regulations regime
- The delivery of street naming and numbering services on behalf of the Council
- The discharge of the Councils responsibilities in relation to the Land Charges process
- The discharge of all of the Councils responsibilities in relation to responses to proposals for Infrastructure and related projects where the Council is an interested party or a consultee except where that function is reserved to the Cabinet.
- Designated Proper Officer for functions within areas of responsibility

#### *In relation to Building Control*

Regulatory functions defined under the Building Act 1984 as those as amended by the Building Safety Act 2022 including enforcement powers of the said Act under Sections 35, 35A, 35B, 35C, 35D, 36.

Dangerous Buildings defined in Sections 77,78 Building Act 1984

Demolition notices defined in Section 80, 81 Building Safety Act 1984

Powers as set out in Part 5 Building Safety Act 2022 relating to safety standards.

To implement and deliver the requirements of section 58 Building Safety Act 2022 in respect to the Building Safety Levy.

### **Specific area delegation by the Executive**

To operate and negotiate building control fees as required by the prescribed regulations made under the Building Act 1984 as amended by the Building Safety Act 2022

### **Specific regulatory power delegated**

o To act as the proper officer under Section 191 of the Local Government Act 1972 with respect to ordnance survey.

### *Chief Digital and Information Officer*

Delegated authority to exercise the powers and functions and take all necessary action in respect of the areas of responsibility set out below:

- 3C ICT / 3C Digital within agreed partnership constraints
- Information Assurance
- IT operational delivery, digital advisory and innovation
- Designated Proper Officer for functions within areas of responsibilities

### *Exceptions*

As applicable, the exercise of delegated authority under the Scheme is subject to the following:

- i. Contract Exceptions – refer to the Contract Procedure Rules
- ii. Financial Exceptions – refer to the Financial Procedure Rules
- iii. Planning & Legal Exceptions – see below
- iv. Employment Exceptions – refer to the Officer Employment Procedure Rules.



### *Planning Exceptions*

The planning and legal functions set out in the [Greater Cambridge Planning delegations](#) are not to be discharged by Officers under the Scheme and are instead matters to be referred to the relevant Planning Committee.

### *Staff & Employment Exceptions*

In accordance with the Local Government and Housing Act 1989 and the Local Authority (Standing Orders) (England) Regulations 2001 the staff and employment functions detailed below are not to be discharged by Officers under the Scheme.

- Appointment of Chief Officers
- Disciplinary and Dismissal Proceedings in relation to Chief Officers
- Dismissal Proceedings in relation to Head of Paid Service, Section 151 Officer and Monitoring Officer

## **Section 9 – Proper Officer Appointments**

### **9.9 Proper Officer Responsibilities**

Unless otherwise provided by law or in this Constitution, each Chief Officer, within their respective functions and areas of responsibility, shall also be the respective ‘Proper Officer’ in all cases where statute or regulation requires or provides for the Council to appoint a ‘Proper Officer’, but any Chief Officer may delegate any such responsibility to a suitably experienced officer. The Chief Executive shall also be authorised to appoint suitably qualified persons, not employed by the Council, as Proper Officers, as deemed necessary.

All Proper Officer appointments not already set out in this Constitution, other than general appointments as set out above, whether or, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the internal Schemes of Authorisation and the Scheme of Delegation of Executive functions by the Leader.

### **9.10 List of Statutory Officers**

The table sets out the posts holding statutory offices on behalf of the Council. An Officer will hold the statutory office during any period of employment in the post, either as an employee or on a temporary, acting up or interim basis.

The Statutory Officers may appoint Deputies, if allowed by law, but cannot delegate their statutory responsibilities.

The Monitoring Officer has delegated authority to amend the list of Statutory Officers to remove and replace redundant posts or provisions or to change appointments.

<b>Statutory Office</b>	<b>Post holding the statutory office</b>
<b>Head of Paid Service</b> (Section 4 – Local Government and Housing Act 1989)	Chief Executive
<b>Monitoring Officer</b> (Section 5 – Local Government and Housing Act 1989)	Head of Legal Practice
<b>Chief Finance Officer</b> (s.151 Local Government Act 1972)	Chief Finance Officer, Corporate Group
<b>Electoral Registration Officer</b> <b>Returning Officer Assistant Returning Officer</b> (ss.8,28 and 35 Representation of the People Act 1983)	Chief Executive
<b>Data Protection Officer</b> (Article 37-39 General Data Protection Regulation 2018, s.69 Data Protection Act 1998)	Data Protection Officer (Information Governance)
<b>Qualified person</b> for the purposes of section 36 of the Freedom of Information Act 2000	Head of Legal Practice

### 9.11 List of Proper Officers

- The Officers set out in the table below are appointed to be the Council’s Proper Officer for the stated legislative provisions.
- The appointed Deputy Proper Officer is given in brackets. The Deputy Proper Officer is appointed to act where the Proper Officer is absent and/or unable to act for any reason.

In absence of the appointment of a Proper Officer in this Constitution:

- the Chief Executive and/or Monitoring Officer will be the Council's Proper Officer and has power to delegate this power, until an appointment is made by Full Council; and
- the Deputy Monitoring Officer will be the Council's Deputy Proper Officer.

The Monitoring Officer has delegated authority to amend the list of Proper Officers to remove and replace redundant posts or provisions or to change appointments.

#### Chief Executive (Head of Paid Service)

Act	Section	Function
Local Government Act 1972	83(1)-(4)	Officer to whom persons elected as Councillors shall make declaration of acceptance of office.
	84	Officer to whom Councillors may give written notice or resignation
	88(2)	Officer who may convene a Council meeting to fill a vacancy in the office of Mayor
	89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local Government electors.
	100	All references to Proper Officer in connection with the access to information provisions of the Local Government Act.
	233 LGA 1972	Receive documents required to be served on the Council
	Sch. 12. Part 1, para 4 (1A)	Officer who may sign a summons to Council meetings and may receive notice from a Member at an address to which a summons to a meeting is to be sent.
Local Government and Housing Act 1989	Section 2 LGHA 1989	Deposit of list of 'politically restricted posts' under LGHA 1989.
Local Government (Committees and Political Groups) Regulations 1990	8 (1) and (5), 9 and 10, 13, 14	Officer to whom: <ol style="list-style-type: none"> <li>1. notice is delivered about the Constitution of a political group, or the change of name of a political group/</li> <li>2. notice is delivered about a Councillor's membership of, or</li> </ol>

		<p>cessations of membership of, a political group.</p> <p>3. The wishes of a political group are expressed.</p> <p>Officer responsible for notifying a political group about allocations and vacations of seats.</p>
The Local Authorities (Standing Orders) (England) Regulations 2000	Paras 5 and 6 of Part II of Schedule 1	Officer to receive notification of proposed appointment of certain Officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment from executive members, if any. (as set out in the Employment Procedure rules)
Local Authorities (Referendums) (Petitions)(England) Regulations 2011	Reg 4	Officer who publishes the number that is equal to 5 percent of the number of local government electors for the authority's area.
	Regs 11, 13, 14	To be the Proper Officer for the receipt and validation of petitions
Local Authorities (Conduct of Referendums) (England) Regulations 2011		All references to the Proper Officer
Representations of the People Act 1983	Section 67	Receipt of notice of an election agent for local elections Chief
	Sections 82 and 89	Receipt of election expenses declarations and returns and the holding of documents for public inspection
	Section 128	Provides that a copy of any petition questioning a local government election shall be sent to the Proper Officer who shall publish it in the Local Authority area
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		All references to the Proper Officer

Miscellaneous		All provisions and other miscellaneous Proper Officer or Statutory Officer functions not otherwise specifically delegated by the Authority
---------------	--	--

#### Chief Finance Officer (S151 Officer) (Corporate Group)

Act	Section	Function
Local Government Act 1972	115	Officer to whom all Officers shall pay monies received by them and due to the Local Authority.
	146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.
Local Government Finance Act (1988)	114 and 114(A)	Officer responsible for making a report under this section to the authority concerning unlawful expenditure and the Council's budget.

#### Head of Legal Practice (Monitoring Officer)

Act	Section	Function
Local Government Act 1972	225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts
	229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.
	234(1)	Officer who may authenticate documents.
	238	Officer who may endorse a copy of a bylaw.
Local Government Act 1974	30(5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.
Local Government (Miscellaneous Provisions) Act 1976	41	Officer responsible for certifying copies of resolutions, minutes, and other documents.

## Director of Communities

Act	Section	Function
Assets of Community Value (England) Regulations		Assets of community value decisions under Assets of Community Value (England) Regulations 2012

## Part 4 – Procedure Rules

### Section 1 – Council Procedure Rules

#### 1.1. Council Meetings

Ordinary Meetings of the Council will usually take place at least four times a year, commencing at 6:00 pm, or at such other time as the Council determines from time to time.

Meetings will usually take place at the Council’s designated offices but may take place at other venues determined by the Council.

There are three types of Council meetings:

- the Annual Meeting;
- Ordinary Meetings; and
- Extraordinary Meetings.

These are dealt with in more detail below.

Council meetings will be Chaired by the Mayor, or, in his or her absence, by the Deputy Mayor.

Notice of all meetings of the Council will be given to the public by the Proper Officer in accordance with the Access to Information Rules, five clear’ working days before the date of the meeting. Notice by summons will also be given by the Proper Officer to each Councillor in the manner prescribed in the Access to Information Procedure Rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports as may be available.

The Chief Executive is authorised to cancel a meeting where the agenda has already been issued in exceptional circumstances. Before exercising this authority, the Chief Executive will consult with the Mayor, the Leader of the Council, and the Leaders of the other political groups. Any outstanding business will be held over to the next Ordinary Meeting or an Extraordinary Meeting on a date to be arranged.

The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

## 1.2. Annual Meeting of the Council

The Annual Meeting of the Council will be held:

- in a year when there is an ordinary election of Councillors, the Annual Meeting of the Council will take place within the 21 days of the retirement of the outgoing Councillors;
- in any other year, on such a day in the month of March, April or May as the Council may fix;
- at such hour as the Council may fix;
- the Annual Council meeting will be in two parts;
- the first part will carry out the ceremonial proceedings and appoint the Mayor and Deputy Mayor;
- the second part will consider the remaining formal business; and
- there will be an interval between the completion of the ceremonial proceedings and the start of the remaining formal business.

At the ceremonial part of the Annual Meeting, the Council will:

- elect a person to preside if the retiring Mayor and Deputy Mayor are not present;
- elect the Mayor for the ensuing year;
- appoint the Deputy Mayor of the Council for the ensuing year; and
- give a vote of thanks to the Retiring Mayor.

At the remaining formal part of the Annual Meeting, the Council will:

- approve the minutes of the last meeting;
- receive any announcements from the Mayor;

- receive any announcements from the Officer advising the Mayor including apologies for absence;
- receive a report from the Returning Officer on the outcome of City Elections
- upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader and be informed by the Leader of the composition and Constitution of the Cabinet for the ensuing year, and the names of Councillors chosen to be Cabinet Members;
- determine the Council's Committee structure, Chairs and Vice Chairs and membership;
- determine arrangements for Outside Bodies and receive annual updates on outside body activities;
- appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- agree the scheme of delegation;
- approve a programme of Ordinary Meetings of the Council for the year;
- consider any business set out in the notice convening the meeting; and
- receive any declarations of interest from Councillors.

#### Selection of Councillors on Committees and Outside Bodies.

At the Annual Meeting, the Council meeting will:

- decide which Committees to establish for the Civic Year;
- decide the size and terms of reference for those Committees;
- decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- receive nominations from political groups of Councillors to serve on each Committee; and
- appoint representatives to serve on any outside body for which a new appointment or re appointment is required and the function of that appointment or re appointment that has not been allocated to the Executive or delegated.



### 1.3. Ordinary Meetings

Ordinary Meetings of the Council will usually take place at such a time and place as the Council shall determine from time to time, in accordance with the programme previously approved by the Council.

The order of business at every Ordinary Meeting of the Council will include:

- a. electing a person to preside if the Mayor and Deputy Mayor are not present;
- b. receive any apologies for absence;
- c. receiving any declarations of interests from Councillors;
- d. dealing with any business required by law to be dealt with first;
- e. confirming as a correct record and signing the minutes of the last meeting of the Council, except that the minutes of the Annual or any Extraordinary Meeting will be submitted for confirmation to the next Ordinary Meeting of Council;
- f. the Mayor's announcements;
- g. receiving any petitions in accordance with these rules;
- h. receiving and answering questions on notice from members of the public;
- i. receiving and answering questions on notice from Councillors;
- j. dealing with any business remaining from the last Council meeting;
- k. receiving reports from the Cabinet and from the Council's Overview and Scrutiny and other Committees and receiving questions and answers on any of those reports;
- l. receiving reports, questions and answers on the business of joint arrangements and external organisations as appropriate;
- m. considering any motions in the order in which they are received and to be taken as the last item on the agenda (except where the order of business has been changed by the Mayor or by resolution of the meeting); and
- n. considering any other business specified in the summons to the meeting.

The order of business (except for items (a), (b), (c) (d) and (e) listed above) may be changed:

- before or at a meeting, as the Mayor sees fit; or
- by a resolution of the meeting.

### 1.4. Extraordinary Meetings

1.4.1 An Extraordinary Meeting is one that is additional to the scheduled Ordinary Meetings and is called to deal with matters that cannot conveniently be dealt with

at one of those meetings. An Extraordinary Meeting will be called for specific purposes. Those listed below may request the Chief Executive to call Extraordinary Council meetings in addition to Ordinary Meetings:

- the Council, by resolution;
- the Mayor of the Council;
- the Monitoring Officer;
- the Section 151 Officer; and
- in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Councillors if they have signed a requisition presented to the Mayor of the Council and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Extraordinary Meetings will:

- elect a person to preside if the Mayor and Deputy Mayor are not present;
- receive any declarations of interest; and
- deal with the business for which the Extraordinary Meeting was called.

Calling an Extraordinary Meeting of a Committee or Sub Committee

- 1.4.2 In the case of Committee meetings, the Chair of a Committee or Sub Committee can, in consultation with the political group representatives, call an Extraordinary Meeting of the Committee at any time. A special meeting will also be called if three Members of the Committee or Sub-Committee ask the Chief Executive in writing to call a meeting.

Business at an Extraordinary Meeting of a Committee or Sub Committee

- 1.4.3 The business to be conducted at an Extraordinary Meeting shall be restricted to the item of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business

## 1.5. Appointment of substitute Members of Committees and Sub-Committees

As well as allocating seats on Committees and Sub Committees, the Council will allocate seats in the same manner for substitute members.

- Number
  - for each Committee or Sub Committee, the Council (or Committees in respect of Sub Committees) will appoint two substitute Members in respect of each political group represented on that Committee or Sub Committee for groups with more than one Committee Member, but shall not appoint substitute Members for a political group which declines to nominate substitute Members.
- Powers and duties
  - Substitute Members will have all the powers and duties of any ordinary member of the Committee. For the purposes of any other meetings and circulations of papers, substitute Members shall be treated in the same manner as ordinary Members.
- Attendance at meetings
  - Substitute Members may attend meetings in that capacity only to take the place of a Member of the same political group who is an ordinary Member of the relevant Committee or Sub Committee. The substitute Member should withdraw from participation as a Member of that Committee or Sub Committee in the business at that meeting during any period during which the principal Member is in attendance.

The Chief Executive and/or Monitoring Officer will change the standing membership of Committees and Joint Committees in accordance with the wishes of the political groups to whom seats on these Committees have been allocated.

## 1.6. Notice of and summons to meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least ‘five clear’ days before a meeting, the Chief Executive will send a summons, which 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.

## 1.7. Powers of the person presiding

Where these rules apply to meetings of the Committees, Sub Committees and other meetings of the Council, the person presiding may exercise any power or duty of the Mayor as set out in these Procedure Rules. References to the “Mayor” includes any person presiding at the meeting. References to the Mayor and/or Chair, also include the Chair of Committees and Sub Committees.

## 1.8. Quorum

For Full Council, the Quorum of a meeting will be one quarter of the whole number of Councillors.

For Committees, including Joint Committees, the Quorum shall be three members of that Committee.

For Sub Committees, the Quorum shall be a minimum of two Members of that Sub Committee.

If there is no Quorum at the scheduled start of the meeting, 15 minutes may elapse to establish the whereabouts of any absent Member. If, after 15 minutes, no Quorum is present, or likely to be present within a reasonable time, the person presiding at the meeting may declare the meeting adjourned. The person presiding will announce a date and time for the adjourned meeting. If no date and time is fixed, then the business will be considered at the next ordinary meeting.

## 1.9. Duration of meeting

- 1.9.1 If the business of the meeting has not been concluded within three hours after the start of the meeting (including any period of adjournment), the Mayor will indicate that the time has expired and any member speaking must immediately sit down. The Mayor will call for a vote immediately on the item under discussion unless a motion to continue the meeting is moved and seconded. A motion to continue the meeting will be voted on without discussion. If the motion is passed by the majority of Councillors present, the meeting will continue for a further 30 minutes. At the end of the further period, the Mayor will indicate that the time has expired and call for a vote immediately on the item under discussion. The vote will be taken in the usual way without any further discussion.
- 1.9.2 If there are other motions or recommendations on the agenda that have not been dealt with within the time limit, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items, and the vote will be taken in the usual way.
- 1.9.3 If a recorded vote is called for during this process it will be taken immediately.
- 1.9.4 During the process set out in rules 1.9.1 to 1.9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated

or referred to an appropriate body or individual for decision or report.

- 1.9.5 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.
- 1.9.6 The rules on the duration of meetings applies to all other Committees of the Council save for Planning (and any joint arrangements) and to Licensing Sub Committees, whereby the Chair can propose closing the meeting if there is no realistic possibility of the meeting finishing within a reasonable time frame

### 1.10. Petitions

The Council operates a petitions scheme details of which can be found at:

<https://www.cambridge.gov.uk/petitions>

### 1.11. Questions by the Public

Members of the public may ask questions of the Leader and Members of the Cabinet at Ordinary Meetings of the Council. At Committee meetings, members of the public may address questions to the Chair of that Committee. At meetings of the Cabinet, members of the public may address questions to the relevant Portfolio Holder. In each case the person to whom the question is addressed may invite another Member or Officer to respond. Questions must be relevant to matters in relation to which the Council has powers or duties, or which affect the area or the residents of the area. Further guidance on public speaking at Committee meetings can be found here -

<https://www.cambridge.gov.uk/attending-committee-meetings>.

- 1.11.1 Questions will be asked in the order in which notice of them was received, except that the Mayor may group together similar questions.
- 1.11.2 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to:
- [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)
  - no later than 9am two days before the meeting. Each question must give the name of the questioner and must name the Councillor to whom it is to be put.

1.11.3 No person may submit more than one question on a single topic at any meeting and no more than one such question may be asked on behalf of a single organisation.

1.11.4 In the case of Extraordinary Meetings, questions will only be taken on the single item of business for which the Extraordinary Meeting has been called.

1.11.5 The Monitoring Officer and/or Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility, or which affects the City;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- relates to the conduct of individual Council employees, or to human resources matters;
- requires the disclosure of Confidential or Exempt Information; or
- contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time.

1.11.6 All questions and answers given will be summarised in the minutes of the meeting.

1.11.7 The question submitted will be published and circulated to all Members at the meeting and will not be read out. The person to whom the question is being addressed will reply to the question for a maximum of two minutes. The person who submitted the question may ask a supplementary question that relates to the original question for up to one minute. The person to whom the supplementary question is addressed may reply for up to two minutes. The Mayor may reject a supplementary question on the grounds specified in 1.11.5 above. If a full reply cannot be given, a written reply will be sent to the questioner as soon as practicably possible.

1.11.8 The time allowed for consideration of any questions shall not exceed 30 minutes unless the Mayor consents to a longer period.

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

given during the meeting due to lack of time will be sent to the questioner as soon as practical after the meeting.

1.11.10 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub Committee. Once seconded, such a motion will be voted on without discussion.

1.11.11 This Rule applies to all meetings of the Council with the exception of Regulatory Committees, where special rules apply.

## 1.12. Questions by Members

1.12.1 A Member of the Council may ask a Cabinet Member, or the Chair of a Committee, any question on an item of the report of that Cabinet Members or Committee, when that item is under consideration by the Council.

A Member of the Council may ask a question on any matter in relation to which the Council has powers or duties or which affects the City, to:

- The Mayor;
- The Leader;
- A Member of the Cabinet; or
- The Chair of any Committee or Sub Committee.

1.12.2 A Member of a Committee or Sub Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City and which falls within the terms of reference of that Committee or Sub-Committee.

1.12.3 A Member may only ask a question under paragraph 1.12.1 or 1.12.2 if either:

- They have given notice in writing of the question to the Chief Executive, which has been received no later than 9am two days before the meeting; or
- The question relates to urgent matters, they have the consent of the Mayor and/Chair to whom the question is to be put and the content of the question is given to the Chief Executive by midday on the day of the meeting.

- 1.12.4 Questions will be asked in the order notice of them being received, except that the Mayor/Chair may group together similar questions.
- 1.12.5 A Councillor may ask only two questions under 1.12.1 or 1.12.2 except with the consent of the Mayor/Chair of the Committee or Sub Committee.
- 1.12.6 Questions submitted by a Councillor will be taken as read under 1.12.1 and 1.12.2 and a Councillor answering such a question shall ensure that the reply is succinct. No speech or motion shall be made and no discussion shall take place on any question or the answer given.
- 1.12.7 Any remaining questions shall be responded to in writing before the next Ordinary Meeting of the Council. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.
- 1.12.8 Only five questions in total will be considered per meeting. These will be from opposition group members and be divided out proportionally between opposition groups and Independent Members.
- 1.12.9 Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. An answer may take the form of:
- a direct oral answer;
  - where the desired information is in a publication of the Council or other published work, a reference to that publication;
  - a written answer circulated later to the questioner; or
  - a combination of any of the above.
- 1.12.10 If the Member who gave notice of a question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply.
- 1.12.11 A Member asking a question under paragraph 1.12.1 or 1.12.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Mayor has the right to prevent any Members from asking a protracted supplementary question or giving a protracted answer.



- If the Member who gave notice of a question is not present at the meeting, there will be no supplementary question after the Member to whom the question was asked has given their response.

1.12.12 Any Member of the Council may at any meeting address a written question (maximum of two) to the Chair of any Committee relating to matters within the province of his/her Committee, or to an Executive Councillor relating to matters within the responsibility of that Executive Councillor, providing s/he has sent a copy of such question to the Chief Executive by 12 noon, the Friday before such meeting. No speech or motion shall be made and no discussion shall take place upon any question or the answer given thereto. Such question shall be put and replied to immediately before the reception or approval of the minutes of the Committee concerned, and the questions and answers shall be circulated to Members of the Council and others present in duplicated form whenever possible.

### 1.13. Motions on Notice

Except for motions which can be moved without notice, written notice of every motion, signed by at least two Members, or if sent by email, confirmed as submitted by at least two Members, must be delivered to the Chief Executive not later than 10.00 a.m. seven clear working days (excluding the day of the meeting and day of delivery) before the next meeting of the Council. The Chief Executive may, with the consent of the Mayor, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three months.

#### 1.13.1 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Motions will normally be considered as the last item of business.

#### 1.13.2 Scope

The Mayor, having regard to the advice of the Proper Officer may reject a motion 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 motion which has been put at the meeting or a meeting of the Council in the past six months;
- d. requires the disclosure of confidential or exempt information;
- e. would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or
- f. relates to a planning or licensing application which has yet to be determined.

#### 1.13.3 Reference of Motions to Committees or to the Executive

- Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Mayor considers it to be appropriate for the motion to be referred to the Executive or a Committee for consideration. In such cases the Mayor shall consult with political group leaders in advance of exercising the power, and provide reasons for such a decision.
- Where a motion has been proposed and seconded, but before the seconder has spoken any member may propose that the motion is referred for consideration by a Committee or the Executive. The Member proposing the referral shall identify the grounds for that referral. Other Members may speak for or against the proposal to refer. At the conclusion of the debate the member proposing the referral has a right of reply before the vote is taken.

#### 1.14. Motions without Notice

The following motions may be moved without notice:

- to appoint a person to preside at the meeting at which the motion is moved;
- in relation to the accuracy of the minutes or to change the order of business in the agenda;
- to refer something to an appropriate body or individual;
- to appoint a Committee or Member arising from an item on the summons for the meeting;
- to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;

- that the meeting shall continue for a further period beyond the initial period specified in Rule 1.9;
- to suspend a particular Council procedure rule;
- to exclude or re admit the public and press in accordance with the Access to Information Rules;
- to not hear further a Member named or to exclude them from the meeting; and
- to give the consent of the Council where its consent is required by this Constitution.

## 1.15. Rules of Debate

### 1.15.1 No speeches until motion seconded

Before any speeches can be made on a motion, two councillors must indicate their intention to propose and second it. If no seconder can be identified, then the motion will not be considered.

The mover of a motion may speak for a maximum of five minutes

### 1.15.2 Right to require motion in writing

Unless notice of the motion has already been given, under Rule 1.13.1, the Mayor may require it to be written down and handed to him or her before it is discussed.

### 1.15.3 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate. The seconder of a motion may speak for a maximum of three minutes.

### 1.15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech, other than by the proposer of a motion, may exceed three minutes.

### 1.15.5 When a Member may speak again

A Member who has spoken on a motion may not speak again without the consent of the Mayor whilst it is the subject of debate, except:

- to speak once on an amendment moved by another Member;
- if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);

- in exercise of a right to reply;
- on a point of order; and
- by way of personal explanation.

#### 1.15.6 Amendments to motions

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

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

As long as the effect of b to d (above) is not to negate the motion or otherwise substantially rewrite the motion.

- Amendments must be submitted by 9am, two days before the meeting at which they are to be moved.
- After the mover of the original motion has spoken and the seconder has had the opportunity to speak, amendments may then be moved and seconded prior to debate.
- Only one amendment may be moved and discussed at any one time and no further amendment may be moved until the amendment under discussion has been decided, provided that the Mayor may permit two or more amendments to be discussed, (but not voted on together), if this would facilitate the proper conduct of the Council's business.
- The mover and seconder of an amendment may speak for a maximum of three minutes each.
- If an amendment is not carried, other amendments to the original motion may be moved.
- If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put the substantive motion as amended for debate to the vote.

#### 1.15.7 Alteration of motion

- A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- Only alterations which could be made as an amendment may be made.

#### 1.15.8 Withdrawal of motion

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

#### 1.15.9 Right of reply

- The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- The mover of the amendment has no right of reply to the debate on his or her amendment.
- A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- After every reply to which this rule refers, a vote will be taken without further discussion.

#### 1.15.10 Motions which may be moved during debate

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

- to withdraw a motion;
- to amend a motion;
- that the subject of debate;  
    be referred to the appropriate forum for consideration;  
    be referred back to the appropriate forum for further consideration;
- that the meeting continue beyond the initial period specified in Rule 1.9;
- to adjourn the debate;
- to adjourn a meeting;

- to exclude the public and press in accordance with the Access to Information Rules; and
- that a Member not be heard further or be excluded from the meeting.

Any of the motions will not remove the mover of the original motion the right to reply at the close of the debate.

#### 1.15.11 Closure motions

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

- to proceed to the next business;
- that the question be now put;
- to adjourn a debate; or
- to adjourn a meeting.

If a motion “to proceed to next business” or “that the question be now put” is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed, the Mayor will give the mover of the original motion a right of reply and then put the original motion to the vote.

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

#### 1.15.12 Point of order

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

#### 1.15.13 Personal explanation

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

### 1.16. Previous decisions and motions

#### 1.16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members. This Rule does not apply to:

- a recommendation contained in a referral from the Cabinet or any Committee to the Council; and
- a recommendation contained in a report presented individually or collectively by Chief Officers.

#### 1.16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further period of six months.

### 1.17.Voting

#### 1.17.1 Majority

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

#### 1.17.2 Mayor's casting vote

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

#### 1.17.3 Method of voting

Unless a recorded vote is demanded, where all votes shall be recorded in the manner described in Standing Order 1.17.4 (Recorded Vote), apart from those taken by affirmation, the Mayor shall normally take the vote by electronic means, or by show of hands should the electronic voting method fail, or, if there is no dissent, by the affirmation of the meeting.

#### 1.17.4 Recorded vote

If a quarter of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

There will also be a recorded vote when required by law.

This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the Budget or setting of Council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it cannot be suspended.

#### 1.17.5 Right to require individual vote to be recorded

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.

#### 1.17.6 Voting on appointments

- If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining (and that candidate does not have a majority), the above provision will not apply and the Chief Executive (or their representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round.
- In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or their representative) to decide which person is elected.

### 1.18.Minutes

#### 1.18.1 Signing the minutes



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

#### 1.18.2 No requirement to sign minutes of previous meeting at an Extraordinary Meeting

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

#### 1.18.3 Form of minutes

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

### 1.19. Record of attendance

All Councillors present during the whole or part of a meeting will be recorded as having been present by Democratic Services together with a note, if they were absent for part of the meeting, of when they were in attendance and when they left the meeting.

### 1.20. Exclusion of public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or paragraph 1.22 (Disturbance by Public).

### 1.21. Councillors Conduct

#### 1.21.1 Speaking at Meetings

When a Councillor wishes to speak at Council they must notify their request by hand and address the meeting through the Mayor. If more than one Councillor signifies their intention to speak, the Mayor 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.

#### 1.21.2 Respect for the Mayor

When the Mayor stands during a debate, any Councillor speaking at the time will sit down. When the Mayor calls for order during a debate, any Councillor speaking at the time must stop. The meeting must be silent.

#### 1.21.3 Councillor not to be heard further

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

#### 1.21.4 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a motion is carried, the Mayor 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.

#### 1.21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they reasonably think is necessary.

### 1.22. Disturbance by the Public

#### 1.22.1 Removal of a member of the public

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

#### 1.22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared. The Mayor may without debate or resolution adjourn the meeting to allow removal to take place.

### 1.23. Suspension and amendment of Council Procedure Rules

#### 1.23.1 Suspension

These Council Rules of Procedure may be suspended where notice of the intention to move the suspension has been given prior to the commencement of the meeting, if at least one half of the whole number of Councillors are present and, before the motion is put to the vote, every political group has declared that they are content. The rules shall be deemed to be suspended only to the extent required for the purpose stated in the motion provided this rule does not permit the suspension of the rules under this provision:

- in order to vary, revoke or add to these rules
- in respect of prevention of disorderly conduct

- in order to alter or vary the Constitution
- in relation to signing the minutes and
- in relation to recorded voting.

Suspension of any rule will only be to enable consideration of the matter for which the suspension of the rules is required and not for the duration of the meeting.

#### 1.23.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure, or the Constitution as a whole, will, when proposed and seconded, stand adjourned, without discussion, to the next Ordinary Meeting of the Council

### 1.24. Application to Committees and Sub-Committees

All of the Council Rules of Procedure, where they can be appropriately applied, apply to all formal meetings of Council. These rules will not apply where the specific rules of procedure relating to any such meeting already make provision for the activity to be undertaken and/or procedure to be followed at meetings of that body.

### 1.25. Disclosable Pecuniary Interests

A Councillor must withdraw from the meeting room including from the public gallery during the whole of consideration of any item of business in which they have a Disclosable Pecuniary Interest, except where they are permitted to remain as a result of a grant of a dispensation.

### 1.26. Interpretation of Procedure Rules

The ruling of the Chair as to the interpretation or application of any of the Procedures Rules or as to any proceedings of the Council may not be challenged at any meeting of the Council.

## Section 2 – Access to Information Procedure Rules

### 2.1. Scope

These rules apply to all meetings of the Council, Overview and Scrutiny and other Committees, Regulatory Committees, Joint Committees, Sub Committees, Panels and public meetings of the Cabinet (together called ‘meetings’ within this part of the Constitution).

## 2.2. Additional rights to information

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

## 2.3. Rights to attend meetings

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

Any person is permitted to film or record any meeting of the Council, a Committee, Sub Committee or the Cabinet, save where the public have been excluded for the consideration of exempt or confidential business. The rules, as prescribed by legislation, will allow for the reporting of meetings via social media of any kind. The Council will provide reasonable facilities to facilitate reporting. These rights are subject to the Openness of Public Bodies Regulations 2014.

Any person exercising such rights must not disrupt the proceedings. Examples of what will be regarded as disruptive include, but are not limited to:

- moving outside the area designated for the public;
- making excessive noise;
- intrusive lighting/flash; or
- asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should not be filmed as this could infringe an individual's right to privacy, if their prior permission has not been obtained. Any person considered to be disruptive in filming or recording the public will be requested to cease doing so by the person presiding at the meeting and may be asked to leave the meeting.

## 2.4. Notices of meetings

The Council will give at least five clear days' notice of any meeting except where an urgent meeting is convened by posting details of the meeting at Cambridge City Council, Guildhall, Market Square, Mandela House, 4 Regent Street, Cambridge, CB2 1BY, the designated office and on the Council's website.

## 2.5. Access to agenda and reports before the meeting

The Council will make available for public inspection the agenda and reports on its website and at the Council designated offices, at least five clear days before the meeting. If an item is added to the agenda after publication, the supplementary agenda will be open to inspection from the time the item was added to the agenda and the Monitoring Officer shall

make each such report available to the public as soon as the report is completed and sent to Councillors.

## 2.6. Access to agenda and reports before the meeting

Agendas, reports and background papers are available to view on the Council's website. The Council will, on request, and may for such reasonable charge as is from time to time agreed, supply hard copies of:

- any agenda and reports which are open to public inspection; and
- any background papers listed within the reports; and copies of any other documents supplied to Councillors in connection with an item to any person, on payment of a charge for postage and any other costs, if the Monitoring Officer thinks fit.

## 2.7. Access to documents after the meeting

In addition to publishing information on the Council's website as soon as reasonably practicable the Council will make available upon request, hard copies, for a reasonable charge, of the following for six years after a meeting:

- the minutes of the meeting, reports and records of decisions taken, together with reasons, for all meetings which were opened to the public. However, where the meetings discuss exempt or confidential information, the minutes open to the public will only include a summary record of the proceedings and the decision;
- records of Executive decisions taken by Individual Cabinet Members or Officers including the reasons for the decision and any alternative options considered and rejected; and
- the agenda for the meeting.

## 2.8. Background Papers

List of background papers

The author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in the report author's opinion:

- disclose any facts or matters on which the report or an important part of the report is based; and
- which have been relied on to a material extent in preparing the report, but do not include published works or those which disclose exempt or confidential information.

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

Arrangements for inspection should be made through Democratic Services at the designated office and on the Council's website. In the case of reports to the Executive, the background papers will be published on the Council's website, subject to paragraph 2.10 of these rules. The Council may make a reasonable charge for access to background papers to be inspected at the Council's offices.

## 2.9. Exclusion of access by the Public to Meetings

### 2.9.1 Confidential Information – requirement to exclude public

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

### 2.9.2 Meaning of Confidential Information

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

### 2.9.3 Exempt Information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed, which falls into one of the seven definitions of information that is exempt from disclosure to the public and press which is set out below.

### 2.9.4 Meaning of exempt information

Exempt information means any information falling within the following seven categories (subject to any condition) as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended):

<u>Category</u>	<u>Condition</u>
1. Information relating to any individual.	

2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>a) Companies as defined in s2 of the Companies Act 2006;</li> <li>b) The Friendly Societies Acts 1974 and 1992;</li> <li>c) The Co-operative and Community Benefit Societies Act 2014;</li> <li>d) The Building Societies Act 1986; or</li> <li>e) The Charities Act 2011.</li> </ul> <p>“Financial and business affairs” includes contemplated, as well as past or current activities.</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	<p>Employee means a person employed under a contract of service.</p> <p>‘Labour relations matters,’ means any matters specified in section 218(1)(a) to (g) of the Trade Union and Labour Relations (Consolidation) Act 1992. These matters also apply to office holders as to employees.</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	

<p>6. Information which reveals that the authority proposes:</p> <p>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or any action proposed to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

Notes:

- i. Information falling within any of categories 1-7 is not exempt by virtue of that category if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- ii. Information which:
  - a. falls within any of categories 1 to 7 above and
  - b. is not prevented from being exempt by reason that it is required to be registered as set out in section 3 in the table above or falls within i) 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.
- iii. Where the meeting will determine any person's civil rights or obligations, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in that Article or it is considering exempt or confidential information and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.



## 2.10.Exclusion of access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports. Such reports will be marked 'Not for Publication', together with the category of information likely to be disclosed.

## 2.11. Application of Paragraphs to the Executive

Paragraphs 2.12 – 2.23 of these rules apply to the Cabinet, its Committees and Cabinet Members.

## 2.12.Procedures Prior to Private Meetings of the Cabinet

2.12.1 At least 28 Clear Days before a private meeting of the Executive:

- notice of intention to hold the meeting must be made available at the Council's offices; and
- that notice must be published on the Council's website.

The Council's Forward Plan will be used to publish notices under this Rule.

The notice under paragraph 2.12.1 must include:

- a statement of the reasons for the meeting being held in private;
- details of any representations received by the Executive about why the meeting should be open to the public; and
- a statement of its responses to any such representations.

Where the date by which a meeting must be held makes compliance with paragraph 2.12 impracticable, the Chief Executive must obtain agreement from:

- the Chair of the relevant Overview and Scrutiny Committee; or
- if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Mayor/Chairman of the Council; or
- where there is no Chair of either the relevant Overview and Scrutiny Committee or the Mayor of the Council, the Deputy-Mayor/Vice- Chairman of the Council; or
- that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the Chief Executive has obtained agreement to hold a private meeting, they must:

- make available at the Council's offices, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- publish that notice on the Council's website.

## 2.13.Attendance at Private Meetings of the Cabinet

All Members of the Cabinet will be served notice of, and are entitled to attend, all private meetings of the Cabinet. The Chief Executive, Chief Operating Officer/Deputy Chief Executive, the Chief Financial Officer and the Monitoring Officer (or their Deputies) can attend.

The provisions of paragraph 2.3 to 2.10 of these rules will not apply.

## 2.14.Procedures prior to Public Meetings of the Cabinet

The Council will give notice of the time and place of a public meeting by displaying it at the Council's offices and publishing it on the Council's website:

- at least five clear days before the meeting or
- where the meeting is convened at short notice, at the time that the meeting is convened.

An item of business may only be considered at a public meeting:

- where a copy of the agenda or part of the agenda including the item has been available for inspection by the public for at least five clear days before the meeting; or
- where the meeting is convened at shorter notice, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened; or
- where an item which would be available for inspection by the public is added to the agenda, copies of the supplementary agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

## 2.15.Access to agenda and reports for public meetings of the Cabinet

2.15.1 A copy of the agenda and every report for a meeting will be made available for inspection by the public at the Council's offices and on the Council's website.

2.15.2 If the Monitoring Officer thinks fit, there may be excluded from the copy of any report the whole, or any part which relates only to matters during which, in the opinion of the Monitoring Officer the press and public are likely to be excluded from the meeting.

2.15.3 A copy of the agenda item or report will not be available for inspection by the public until a copy is available to Councillors. Where the whole or of the part of a report for a public meeting is not available for inspection by the public:

- every copy of the whole report or of the part of the report, as the case may be, must be marked ‘not for publication;’ and
- there must be stated on every copy of the whole or part of the report:
  - that it contains confidential information; or
  - the description of exempt information by virtue of which the Cabinet is likely to exclude the public during the item to which the report relates.

2.15.4 Except during any part of a meeting during which the public are excluded, the Council will make available for the use of members of the public present at the meeting a copy of the agenda and of the reports for the meeting on its website.

2.15.5 Unless they contain confidential or exempt information, following a request made by a member of the public or on behalf of the media and on payment being made of postage, copying or other necessary charge for transmission, the Council will supply to that person or newspaper:

- a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;
- such further statements or particulars, as are necessary to indicate the nature of the items contained in the agenda; and
- if the Monitoring Officer thinks fit in the case of any item, a copy of any other document supplied to members of the Cabinet in connection with the item.

## 2.16. Publicity in connection with Key Decisions – the Forward Plan

2.16.1 Where a decision maker intends to make a Key Decision, the Council will publish a document, known as the Forward Plan which states:

- that a Key Decision is to be made on behalf of the Council;
- the matter in respect of which the decision is to be made;
- where the decision maker is an individual Cabinet Member or Officer, that individual’s name and title/portfolio as appropriate, or if the decision maker is the Cabinet, a list of Cabinet Members;
- the date on which, or the period within which, the decision is to be made;
- a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the Key Decision is to be made; the address from, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed are available;
- that other documents relevant to those matters may be submitted to the decision maker; and

- the procedure for requesting details of those documents (if any) as they become available.

2.16.2 At least 28 Clear Days before a Key Decision is made, the document must be made available for inspection by the public at the Council's offices and on the Council's website.

2.16.3 Where, in relation to any matter:

- the public may be excluded from the meeting at which the matter is to be discussed or
- documents relating to the decision need not be disclosed to the public,

the document will contain particulars of the matter but many not contain any confidential or exempt information.

2.16.4 It is recognised best practice that non-key decisions are also included on the Forward Plan where appropriate.

## 2.17. General Exception and Special Urgency

2.17.1 If it is not possible to meet the requirements to give notice of a Key Decision laid out in paragraph 2.16.2 above, the making of the Key Decision can proceed so long as:

- a. the Monitoring Officer has sought and received in writing the agreement of the Chair of the relevant Overview and Scrutiny Committee or, in their absence, the Vice Chair of the Overview and Scrutiny Committee, to the general exception to the notice requirements; and
- b. the Monitoring Officer has made available and has at the Council's offices for inspection by the public and has published on the Council's website, a copy of the notice of the decision, including the reasons why compliance with the publicity requirement is impracticable; and
- c. five working days have elapsed following the day on which the Monitoring Officer made available the notice.

2.17.2 Where there is special urgency, the requirement in paragraph 2.17.1 (c) above to give five working days' notice of the Key Decision may be withdrawn so long as requirements (a) and (b) in paragraph 2.17.1 above are met. In such cases, the notice of the Key Decision must include the reasons for the special urgency.

## 2.18. Recording of Executive Decisions Made at Meetings

As soon as reasonably practicable after any meeting of the Cabinet or its Committees at which an Executive decision was made, the Monitoring Officer must ensure that a written statement is produced for every Executive decision made which includes the information specified in paragraph 2.18.1.

2.18.1 The statement referred to in paragraph 2.18 must include:

- a. a record of the decision including the date it was made;
- b. a record of the reasons for the decision;
- c. details of any alternative options considered and rejected by the Cabinet at the meeting which the decision was made;
- d. a record of any conflict of interest relating to the matter decided which is declared by any member of which the decision was made; and
- e. in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

## 2.19. Recording of Executive Decisions Made by Cabinet Members and Key Decisions made by Officers acting under Delegated Authority

2.19.1 As soon as reasonably practicable after a Cabinet Member has made an executive decision or an Officer has made a Key Decision, the Monitoring Officer will produce a written statement of that executive decision which should include the information specified in paragraph 2.19.2.

2.19.2 The statement referred to in paragraph 2.19.1 must include:

- that a Key Decision has been made and details of the matter excluding any confidential or exempt information:
  - the date it was made;
  - the reasons for the decision;
  - details of any alternative options considered and rejected by the decision maker when making the decision;
  - a record of any conflict of interest declared by any Cabinet Member who was consulted in relation to the decision; and
  - in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

## 2.20. Recording of other decisions by Officers

2.20.1 Officer decisions of a significant nature, though not Executive decisions made under delegated authority nor meeting the criteria for a Key Decision, should be recorded in writing as soon as reasonably practicable after the decision has been made. Such decisions are likely to be significant within the meaning of this rule where they:

- grant a permission or licence or affect an individual's rights; or
- award a contract;
- incur expenditure at a level which does not render it a Key Decision but would reasonably be expected to materially affect the Council's finances; or
- may be reasonably expected to have an impact on the Council's reputation.

2.20.2 The written record must contain the following information:

- the date the decision was made;
- a record of the decision taken along with the reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where relevant, any conflicts of interest declared.

## 2.21. Inspection of documents following executive decisions

2.21.1 Unless they contain confidential or exempt information, after a meeting of the Cabinet or its Committees at which an executive decision has been made, or after a Cabinet Member or an Officer has made an executive decision the Monitoring Officer must ensure that a copy of:

- any record of the decision; or  
any report considered at the meeting or, considered by the Cabinet Member or Officer and relevant to a decision record or, where only part of the report is relevant to such a decision, that part, must be available for inspection by members of the public as soon as is reasonably practicable, at the Council's offices, and on the Council's website.

## 2.22. Additional rights of access to documents for Councillors

2.22.1 Subject to paragraphs 2.22.4, any document which

- is in possession or under the control of the Executive and
- contains material relating to any business to be transacted at a public meeting, will be available for inspection by any Councillor.

Any document which is required to be available for inspection by any Councillor under paragraph 2.22.1 must be available for such inspection for at least five clear days before the meeting except that:

- where the meeting is convened at shorter notice, such as a document must be available for inspection when the meeting is convened; and
- where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda.

2.22.2 Subject to paragraphs 2.22.4 and 2.22.5 any document which:

is in the possession or under the control of the Executive and contains material relating to:

- any business transacted at a private meeting;
- any decision made by a Cabinet Member; and
- any decision made by an Officer in accordance with Executive arrangements.

must be available for inspection by any Councillor when the meeting concludes or, where an Executive decision is made by a Cabinet Member or an Officer, immediately after the decision has been made.

2.22.3 Any documents which are required by paragraph 2.22.2 to be available for inspection by any Councillor must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

2.22.4 Paragraphs 2.22 and 2.22.2 do not require a document to be available for inspection if it appears to the Monitoring Officer that it discloses exempt or confidential information.

2.22.5 Notwithstanding paragraph 2.22.4, paragraphs 2.22 and 2.22.2 require the document to be available for inspection if the information:

- relates to the financial or business affairs of any particular person (including the authority holding that information) (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) or
- reveals that the authority proposes:
  - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

- b. to make an order or direction under any enactment.

2.22.6 These rights are in addition to any other rights that a Councillor may have.

2.22.7 A Councillor may attend a meeting and/or inspect any exempt or confidential documents relating to the business of the body if they can demonstrate a ‘need to know.’ A Councillor’s ‘need to know’ arises when they require the information in order to carry out their duties as a Councillor. It may apply to information about matters affecting their electoral division or matters which relate to a Council body or informal working group to which they are a Member.

2.22.8 The ‘need to know’ does not arise where a Councillor would simply like to know what is in a document or what may be said at a meeting, or to enable a Councillor to ‘trawl’ through a large number of files in search of information (sometimes known as ‘fishing for information’). Whether a ‘need to know’ arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.

In the event of a dispute, the Monitoring Officer will determine whether a Councillor has demonstrated a ‘need to know’ by assessing whether it is reasonable to allow access given all the circumstances.

## 2.23. Document Retention Schedule

The Council’s document retention schedule can be found on

<https://www.cambridge.gov.uk/media/3440/ccc-retention-policy.pdf>

## Section 3 – Budget and Policy Framework Procedure Rules

### 3.1. Introduction

The Budget and Policy Framework is the framework which sets out the arrangements for the adoption and implementation of the Council’s budget, policies, plans and strategies.

These are decisions where both Full Council and the Executive have a role in the decision making process:



- the Leader and Cabinet develop and recommend the Budget and Policy Framework decisions to Full Council for approval; and
- the Full Council makes the final decision.

The specific financial and policy decisions that are reserved for Council decision are set out in regulations and in this part of the Constitution.

Once the decisions are agreed, the Leader and Cabinet have responsibility for implementing the Budget and Policy Framework.

The rules provide for the process to be followed if the Council disagrees with any of the Leader and Cabinet's recommendations.

### 3.2. The Budget and Policy Framework

The Budget and Policy Framework refers to the financial and policy decisions of the Council where:

- a. the Leader and Cabinet makes recommendations for the policy or budget decision to Full Council; and
- b. the Full Council makes the final decision to adopt the Leader and Cabinet's recommendations. If Full Council does not accept or fully accept the Leader and Cabinet's recommendations, the procedure set out in 3.3 below must be followed. The Leader and Cabinet are responsible for the implementation of the Budget and Policy Framework.

The following rules are mandatory standing orders required to be adopted by the Council under the Local Authorities (Standing Orders) (England) Regulations 2001 to set out how the Budget and Policy Framework will be agreed.

### 3.3. Policy Framework Decisions

#### 3.3.1 Leader and Cabinet Policy Proposals

The Leader and Cabinet, supported by Officers, will formulate draft plan or strategy decisions. They will decide whether to:

- a. conduct public or other stakeholder engagement and / or consultation; and/or
- b. engage with the Overview and Scrutiny Committees.

The Leader and Cabinet submit their draft plan or strategy to Full Council for adoption, considering the outcomes of any engagement, consultation and O&S recommendations.

### 3.3.2 Council's Consideration of Leader and Cabinet draft plan or strategy

3.3.2.1 Full Council will consider the draft plan or strategy and decide to either:

- a. adopt the proposals as Council policy; or
- b. inform the Leader of any objections or proposed amendments.

3.3.2.2 If the Full Council objects, it must instruct the Leader to have the Cabinet reconsider the draft plan or strategy.

The Leader must be given a specific period ("the relevant period") of at least 5 working days (beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive) to reconsider the draft plan or strategy.

3.3.2.3 The Leader's the Leader may, within the relevant period, give notice in writing to the Monitoring Officer of her/his intention to:

- a. submit a revised draft plan or strategy to Full Council including the reasons for any amendments; and
- b. inform Full Council of its disagreement with the Council's objections to the draft plan and strategy and the reasons for the disagreement.

3.3.2.4 If the Leader does not take the above action within the relevant period, the Council's decision on the draft plan or strategy (with any amendments) will become effective at the expiry of the relevant period and notice will be given in accordance with the Access to Information Rules.

3.3.2.5 If the Leader gives notice in writing to submit a revised draft plan or strategy, or disagrees with the Council's objections to the original draft plan or strategy, the Full Council must meet to reconsider and agree the plan or strategy either:

- a. at the next ordinary Council meeting; or
- b. at an extraordinary Council meeting for this purpose if a decision needs to be made at a sooner date.

- 3.3.2.6 The Council’s final decision to adopt the plan or strategy must consider, where applicable, the Leader’s revised draft plan or strategy or disagreement with the Council’s objections.

### 3.4. The Formulation of Budget Proposals

- 3.4.1 In the financial year, the Leader and Cabinet with the support of Officers will formulate draft budget proposals and will:
- a. determine the process for any public or other stakeholder engagement and consultation and/or
  - b. agree with the Overview and Scrutiny Committees a process for the scrutiny of the proposals.
- 3.4.2 The Leader and Cabinet will take into account the outcome of scrutiny and consultation and/or engagement in the formulation of the draft budget plan or strategy made to Full Council.
- 3.4.3 The Leader and Cabinet will submit its draft budget proposals to Full Council in accordance with the following procedure.

### 3.5. Leader and Cabinet’s Budget Estimates or Amounts

- 3.5.1 Subject to the exception in Rule 3.9, in any financial year the Leader and Cabinet shall submit to Full Council for its consideration in relation to the following financial year:
- a. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute);
  - b. estimates of other amounts to be used for the purposes of such a calculation;
  - c. estimates of such a calculation; or
  - d. amounts required to be stated as per the standing orders in 3.2.
- 3.5.2 The proposals at 3.5.1 shall be called collectively the “Budget Estimates or Amounts.”

### 3.6. The Budget Setting Meeting: Full Council’s consideration of the budget estimates or amounts

- 3.6.1 The Full Council shall consider the Budget Estimates or Amounts at its annual budget setting meeting
- 3.6.2 If the Full Council approves the Budget Estimates or Amounts without amendment, this decision will be final.
- 3.6.3 If the Full Council has any objections to the Budget Estimates or Amounts, it must:

- a. before it makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in 3.2 above;
- b. inform the Leader of any objections which it has to the Budget Estimates or Amounts; and
- c. give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

### 3.7. Leader's revised budget estimates or amounts

- 3.7.1 Where the Council gives instructions in accordance with rule 3.6.3 (c) above, it must specify a period ('the relevant period') of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may:
- a. submit a revision of the estimates or amounts as amended by the Cabinet ('revised estimates or amounts'), which have been reconsidered in accordance with the Full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Authority for the Full Council's consideration; or
  - b. inform the Full Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

### 3.8. Full Council's consideration of the Leader's Revised Budget Estimates or Amounts

- 3.8.1 The Full Council must meet after the expiry of the relevant period to make calculations (whether originally or by way of substitute) in accordance with the sections referred to above.
- 3.8.2 When making the decisions at 3.8.1, the Full Council must take into account the Leader's submissions under Rule 3.7 including:
- a. any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - b. the Cabinet's reasons for those amendments;
  - c. any disagreement that the Cabinet has with any of the Council's objections; and
  - d. the Cabinet's reasons for that disagreement.

### 3.9. Decisions outside the Budget or Policy Framework

- 3.9.1 Subject to the provisions of the Financial Procedure Rules, the Cabinet, Individual Portfolio Holders, Individual Officers, Committees or joint arrangements discharging Executive functions may only take decisions which are in line with the approved Budget and Policy Framework.
- 3.9.2 If any of those bodies or persons wish to make a decision which is contrary to the approved Budget or Policy Framework, the decision may only be taken by Council, subject to the rule below in respect of urgent decisions outside the Budget and Policy Framework.
- 3.9.3 If those bodies or persons detailed above want to make a decision which is or may be contrary to the Budget and Policy Framework, they shall first consult and take advice from the Monitoring Officer and/or the section 151 Officer as to whether the decision they want to make would be contrary to the Budget and/or Policy Framework.
- 3.9.4 If the advice of the Monitoring Officer or the section 151 Officer is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in rule 12 below (urgent decisions outside the Budget and Policy Framework) shall apply.
- 3.9.5 The Council may either:
  - a. endorse a decision or proposal of the Executive decision taker as falling within the existing Budget or Policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - b. amend the Budget or Policy Framework concerned to encompass the decision or proposal of the decision taker responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way or
  - 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 Framework and does not amend the existing Framework to accommodate it, require the decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/ Chief Finance Officer and refer it back to the Cabinet. The decision taker must reconsider within seven working days of the Council meeting and whatever decision the Cabinet takes at that meeting is

final, bearing in mind that a decision taken outside the Budget or Policy Framework will be unlawful.

### 3.10.Urgent decisions outside the Budget or Policy Framework

- 3.10.1 The Leader, the Cabinet, a Cabinet Committee, an Individual Member of the Cabinet, Officers, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken if:
- a. any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest;
  - b. it is not practical to convene a quorate meeting of the Full Council within the Access to Information Rules; and
  - c. the Chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- 3.10.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and 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 Chair of a relevant Overview and Scrutiny Committee the consent of the Mayor and in his/her absence, the Deputy Mayor, will be sufficient.
- 3.10.3 Following the decision, the decision taker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### 3.11.Virement

- 3.11.1 Virement is the ability to meet increased expenditure or reduced income under one expenditure code from savings in another expenditure code. The Council's Rules on virement are set out in the Financial Regulations in Part 4 of the Constitution.

### 3.12.In-Year Changes to Policy Framework

- 3.12.1 No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- a. which will result in the closure, amendment 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. which are within the scope set out for in year changes in the policy document in question, or when the policy document was approved by Full Council.

## Section 4 – Executive Procedure Rules

### 4.1. The Leader and Cabinet Model of Executive

The Council operates the Leader and Cabinet model of Executive. The Executive refers to the Leader and Cabinet collectively. The term, ‘Cabinet’ is also used to refer to the Executive, its meetings and decisions.

### 4.2. Membership

#### 4.2.1 The Executive must comprise:

- a. the Executive Leader (hereafter called the “Leader”) elected by the Council;
- b. between two and nine Councillors appointed by the Leader (hereafter called ‘Cabinet Members’); and
- c. one of the Cabinet Members is appointed by the Leader to be the Deputy Leader.

#### 4.2.2 The Mayor or Deputy Mayor cannot be the Leader or a Cabinet Member and any rules relating to the appointment of substitutes do not apply to the Executive.

#### 4.2.3 The Executive is not subject to the political balance requirements set out in the Local Government and Housing Act 1989.

### 4.3. Powers and Delegations of Powers

#### 4.3.1 The Executive discharges all the Council’s powers, which are not expressly reserved by law or this Constitution to be the responsibility of the Council or Officers. This includes:

- a. making key and non Key Decisions reserved to the Executive for decision;
- b. recommending the rate of Council Tax and the Leader’s budget and related policies to the Full Council for approval for the following financial year (the Budget Framework);
- c. recommending policies to Full Council that are reserved to Full Council for approval (the Policy Framework);
- d. making decisions in respect of Local Choice Functions allocated in this Constitution to the Executive;
- e. implementing the approved Budget and Policy Framework; and
- f. ensuring the publication of, and to consider, the plan of items to come before it for decision at least 28 days before the decision is due to be made.



4.3.2 The Leader is responsible in law for the discharge of the Executive's functions and may delegate any or all of those functions to:

- a. the Cabinet; or
- b. an Individual Cabinet Member; or
- c. a Committee of the Executive; or
- d. to an Officer(s); or
- e. to another authority under Joint Arrangements or any other person or body allowed by law.

4.3.3 The Leader may appoint Advisory Boards to make recommendations to the Cabinet on the discharge of their functions.

4.3.4 Persons or bodies delegated Executive functions as above and as set out in the table below may delegate those powers as follows, so far as allowed by law or subject to any prohibition or limitations set out in the delegation of power by the Leader.

Delegating body / person	May delegate to:
Cabinet	Cabinet Committee  An Officer or Officers
Individual Cabinet member or Cabinet Committee/Advisory Board	An Officer or Officers
Officer or Officers	Other Officers

#### 4.4. Joint Arrangements

4.4.1 The Leader and Cabinet may establish joint arrangements with one or more local authority, to exercise functions that are Executive functions in any of the participating authorities. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

4.4.2 The Leader and Cabinet may only appoint Cabinet Members to a Joint Committee undertaking Executive functions, except in circumstances in which the Joint

Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such case the Leader and Cabinet may appoint to the Joint Committee any Councillor who is a Member for a Ward that is wholly or partly contained within the area.

- 4.4.3 Where the Joint Committee comprises five or more local authorities, the appointee can be either an Executive or Non Executive Member.
- 4.4.4 Details of any joint arrangements including any delegations to Joint Committees are contained in Part 3 and in the Council's scheme of delegations.
- 4.4.5 The Access to Information Rules apply to joint arrangements.

#### 4.5. The Leader's Scheme of Delegation

- 4.5.1 The Leader's scheme of delegation to the Cabinet and to Individual Cabinet Members is set out in paragraph 16 of these procedure rules.
- 4.5.2 Unless expressly reserved to the Leader, the Cabinet, a Cabinet Committee, Individual Cabinet Member or other body, all Executive functions are delegated to Chief Officers who may subdelegate those powers and functions in accordance with the provisions in the Officers' Scheme of Delegation contained in Part 3 of this Constitution.
- 4.5.3 The Leader and/or Cabinet may agree further delegations to Officers (including Key Decisions in urgent cases):
  - a. by express decision in a meeting recorded in the Notice of Decision and minutes of the meeting; and
  - b. The Leader may agree delegations to Officers outside of a meeting following receipt of advice from the Monitoring Officer which must be recorded in writing setting out the terms of the delegation and copied to the Monitoring Officer.
- 4.5.4 Where a Key Decision is delegated to an Officer, the Access to Information Rules apply to the decision except that it is not necessary to hold a public meeting to make the decision.
- 4.5.5 The Leader, Cabinet, Cabinet Committee, or an Individual Cabinet Member delegating any of its powers to an Officer may do so at any time but should give notice of intention to do so to the Monitoring Officer.

#### 4.6. The Leader

- 4.6.1 The Leader is a Councillor elected as the Council's Executive Leader by the Full Council at the Annual Council Meeting, following the ordinary elections of the City Council. He/she will remain in office until the day of the Annual Meeting of the Council in the year that the term of office ends or if the following applies:
  - a. he/she/they resign(s) from the office; or

- b. he/she/they are no longer a Councillor; or
  - c. death of disqualification; or
  - d. he/she/they are removed from office by resolution of Full Council following a vote of no confidence.
- 4.6.2 In the event of the office of the Leader becoming vacant before the expiration of their term of office, the Council will elect a new Council Leader at its next meeting, or a meeting called for that purpose. The new Leader will serve for the period of office remaining.
- 4.6.3 If the Council fails to elect a Leader at any meeting, the election will take place at the next or subsequent meeting of the Council until a Leader is elected.
- 4.6.4 Vote of 'No Confidence' in the Leader: The Leader can only be removed by a resolution of the Full Council in accordance with the following procedure:
  - a. a Notice of motion to hold a Full Council meeting to consider a vote of no confidence in the Leader must be submitted to the Chief Executive, signed by not less than half of the total membership of the Council with a mover and seconder of the motion identified;
  - b. the Chief Executive must issue a summons for the meeting within five working days of receipt of a valid notice of motion of no confidence in the Leader. The Full Council meeting will be held for this purpose only;
  - c. the Council Procedure Rules will apply to consideration of the Motion save that the debate is not time limited and no amendments may be moved on the Motion; and
  - d. if a vote of no confidence in the Leader is passed, an election for a new Leader must take place immediately following the motion and the new Leader will be appointed for a term lasting until the next ordinary elections of the authority, subject to 4.6.1 above.

#### 4.7. The Deputy Leader

- 4.7.1 The Leader must appoint a Deputy Leader from one of the Cabinet Members.
- 4.7.2 The Deputy Leader will hold office until the next ordinary elections of the Council unless (she)he:
  - a. resigns from the office; or
  - b. is no longer a Councillor or Cabinet Member; or
  - c. is removed from office by the Leader.

- 4.7.3 If the Deputy Leader is unable to act or the post is vacant, no other Member of the Cabinet may act in their place. If a vacancy occurs, the Leader must appoint another Cabinet Member as the Deputy Leader.
- 4.7.4 The Deputy Leader must:
- a. discharge the role of the Leader if the post of Leader is vacant until a new Leader is elected or if for any reason the Leader is unable to act; and
  - b. preside at Cabinet meetings where the Leader is a Member in the absence of the Leader or as the Leader determines.
- 4.7.5 If the Leader is unable to act or the office is vacant and the Deputy Leader is unable to act or the office is vacant, the Leader's executive powers shall be carried out by the Cabinet collectively either until the Leader or Deputy Leader is able to act or a new Leader is elected.

## 4.8. Cabinet Members

- 4.8.1 The Leader may allocate areas of responsibility for Executive functions called Portfolios to Individual Cabinet Members with or without the delegation of decision-making powers.
- 4.8.2 The Leader may amend or change a Portfolio in any way and for any reason.
- 4.8.3 The Leader may retain a Portfolio and any Executive functions that are not allocated to a Cabinet Member.
- 4.8.4 The Leader will provide a list of Cabinet Members' Portfolios or changes to Portfolios to the Monitoring Officer as soon as reasonably practicable including for each Cabinet Member:
- a. the Portfolio title;
  - b. the Executive functions and responsibilities (by reference to the Council's directorate structure or otherwise);
  - c. the date when the Portfolio will commence or if it is with immediate effect.
- 4.8.5 The Leader and / or the Monitoring Officer will:
- a. report the allocation or amendment of any Portfolio to the next meeting of the Full Council; and
  - b. as soon as is reasonably practicable publish the allocations of Portfolios on the Council's website.
- 4.8.6 Cabinet Members' appointments and / or Portfolios held at the date of an ordinary election will terminate on the date of those elections.

## 4.9. Cabinet Committees

- 4.9.1 The Leader or Cabinet may establish Committees of three or more Cabinet Members to discharge executive functions on a continuing basis or for a single decision
- 4.9.2 The Leader or Cabinet must determine the size, membership and terms of reference of the Cabinet Committee with the advice of the Monitoring Officer.
- 4.9.3 The Monitoring Officer will publish the details of any Cabinet Committee on the Council's website.

## 4.10. Cabinet Advisory Boards

- 4.10.1 The Leader and/or Cabinet may establish Cabinet Advisory Boards to advise the Leader and/or Cabinet on the discharge of their functions

## 4.11. Cabinet Meetings

- 4.11.1 These rules will apply to meetings of the Cabinet, Cabinet Committees and Individual Cabinet Members (except the rules on quorum).
- 4.11.2 Cabinet meetings will take place at the Council's designated offices or another location to be agreed by the Leader and published to the Council's website.
- 4.11.3 Notice of each meeting will be given and the agenda and papers for each meeting will comply with the Access to Information Rules.
- 4.11.4 All Cabinet meetings will be open to the public and press, unless the business under consideration is exempt or confidential as determined by the Access to Information Rules and the meeting votes to hold that business in private or unless the Cabinet resolves to hold a private meeting.
- 4.11.5 The Leader has power taking into account the advice of the Chief Executive, Monitoring Officer and / or the Chief Finance Officer to:
  - a. convene as many Cabinet meetings as (s)he considers appropriate;
  - b. cancel and / or reschedule meetings where necessary;
  - c. determine the agenda of Cabinet meetings; and
  - d. determine the venue of the Cabinet meeting.
- 4.11.6 In respect of a Cabinet Committee, the Chair of a Cabinet Committee has the same powers as the Leader has in respect of Cabinet meetings.
- 4.11.7 In respect of Individual Cabinet Member meetings, the relevant Cabinet Member has the same powers as the Leader has in respect of Cabinet meetings.

4.11.8 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of any Cabinet meeting in pursuance of their statutory duties and may require the Proper Officer to call a Cabinet meeting for this purpose.

## 4.12. Quorum

4.12.1 The quorum for a Cabinet meeting shall be three Members who are eligible to vote.

4.12.2 The quorum for a Committee of the Cabinet shall be agreed when the Committee is established but will be a minimum of three Members.

## 4.13. The Conduct of Business at Cabinet Meetings

4.13.1 The Leader will Chair meetings of the Cabinet. In his or her absence the Deputy Leader will Chair the meeting. In the absence of both the Leader and Deputy Leader, the remaining Cabinet Members will elect a person to preside.

4.13.2 The following business will be conducted:

- a. Leader's announcements, if any, whether made in person or by a person nominated to do so in the Leader's absence or the person presiding in the absence of such a nomination;
- b. apologies for absence;
- c. approval of the record of decisions and minutes of the last meeting;
- d. declarations of interests, if any;
- e. matters referred to Cabinet by an Overview and Scrutiny Committee or Civic Affairs and Audit Committee;
- f. matters set out on the agenda for the meeting, which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Section 12 of this Constitution; and
- g. the person presiding at the meeting may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the person presiding is of the opinion that there is insufficient information available to the Cabinet to enable a proper decision to be reached, they may defer consideration of the matter in question to a future meeting.

4.13.3 The content of Executive reports:

Reports for decision by the Executive (which includes any decision by the Cabinet collectively, a Cabinet Committee or an Individual Cabinet Member) must include sufficient information to allow the Executive decision maker to make an effective

evidence-based decision and shall include any requirements specified by the Chief Executive, Chief Finance Officer and / or Monitoring Officer including but not limited to:

- a. the legal and financial implications of the proposed decision;
- b. the consideration of the public sector equality duty;
- c. the consideration of the outcome of any public consultation, if required; and
- d. whether or not the proposed decision achieves best value.

4.13.4 Reports will contain details and outcome of any consultation undertaken with councillors, external bodies or the public. The scope and level of consultation required will be appropriate to the nature of the matter under consideration, including legal obligations to undertake public and / or stakeholder consultation.

#### 4.14. Speaking Rights at Cabinet Meetings

4.14.1 The following have the right to speak at Cabinet meetings:

- a. the Leader and Cabinet;
- b. the Chief Executive, Chief Finance Officer and Monitoring Officer in respect of the discharge of their statutory duties;
- c. the Chair of an Overview and Scrutiny Committee in respect of a report by that Committee;
- d. the Leader of the Main Opposition Group.

4.14.2 The person presiding may allow other persons, including other Councillors, to speak at Cabinet only in relation to an item of business on the agenda. The Cabinet may take into account verbal representations made at its meeting when making decisions but must not consider any additional documentation submitted without compliance with the Access to Information Rules set out in this Constitution.

4.14.3 The person presiding has discretion to determine or limit the amount of time, and the number of times, that any member may speak on a particular item.

#### 4.15. Conflicts of interest in Executive Decision Making

4.15.1 The Leader and Cabinet when making any Executive decision must comply with their obligations to declare conflicts of interests under the Council's Code of Conduct for Members and any conflicts will be dealt with in accordance with this

Code. The Leader and Cabinet should seek the Monitoring Officer's advice where appropriate.

- 4.15.2 If a Cabinet Member exercising delegated powers, either in a Cabinet Committee or as an Individual Cabinet Member, has a conflict of interest which would require them not to make or participate in the decision to comply with the Code of Conduct, (s)he must notify the Leader who will determine who will make the decision, taking into account any advice from the Monitoring Officer.

#### 4.16. Local Choice Functions of the Executive

The Council has agreed that certain Local Choice functions are to be exercised by the Executive. Part 3 section 2 of the Constitution sets out those functions which are to be exercised by the Council and those functions which are to be exercised by the Executive. Part 3 section 2 also sets out where those Local Choice functions allocated to the Executive have been delegated to Officers.

#### 4.17. Delegations to Individual Cabinet Members

- 4.17.1 There are between two and nine Portfolio Holders, including the Leader, who collectively comprise the Cabinet. Each Portfolio Holder is responsible for an area or areas of Council activity, and some Portfolio Holders have responsibility for issues which involve or affect a number, or all of the Council's activities.
- 4.17.2 The Leader will allocate responsibility for the Portfolios among the Individual Cabinet Members on an annual basis and shall have the ability to amend these in year as required. The Leader has allocated a 'Portfolio' to each Cabinet Member and delegated to each 'Portfolio Holder' responsibility for the discharge of functions set out below.

##### 4.17.3 The Leader

- The Leader's role cuts across all functions of the Council and the Leader is responsible for exercising functions on behalf of the Executive.
- The Leader shall have the power to determine which Executive Councillor shall have responsibility for the exercise of Executive functions in cases of doubt or in cases for which provision has not been made in the Constitution.
- The Leader will take a lead role in the development, implementation and monitoring of the Council's plans, policies and strategies.



- The Leader will take a lead role in the exercise of the Council's functions and the delivery of services including:
  - Leadership of Council
  - Overall lead on corporate objectives, policy, strategy, and Transformation
  - Democratic services and oversight of civic functions
  - Leading on external partnerships and visibility within city, Combined Authority and beyond
  - Responsible for all items of the Council's business, and default lead on any item not covered by another Executive.
  - GCP Board member and CPCA Board member (unless agreed otherwise)
  - Leading on external partnerships and visibility within the City, University, Combined Authority, and National Government
  - Emergency planning and resilience

#### 4.17.4 The Deputy Leader

- Responsibility for:
  - Deputy for the leader
  - Lead on communications
  - Specific roles as deputised by the leader and agreed with the leader and the Executive
  - Focus on supporting the leader with implementation of Council policies agreed and promoted in the Council's corporate objectives
  - Oversight of Equity Policy across the Council – EQUIA's
  - Equality Panel Member

#### 4.17.5 Cabinet Member for Finance and Resources

- Responsibility for:
  - Finance and the General Fund budget
  - HR and relations with council unions
  - Overview of Shared services (governance and financing) with lead responsibility for 3C ITC
  - Council owned property and investments
  - Customer services
  - Procurement
  - CIP Board Member
  - Health and Safety

#### 4.17.6 Cabinet Member for Housing

- Responsibility for:
  - Housing strategy
  - Building council homes
  - Maintaining and improving existing homes, including retrofit of council homes
  - The city's responsibility re: private rental and housing associations
  - Housing Revenue Account Budget
  - Member for complaints (as per the Housing Ombudsman)
  - CIP Board Membership

#### 4.17.7 Cabinet Member for Climate Action and Environment

- Responsibility for:
  - Climate Change Strategy and Net Zero target
  - Biodiversity Strategy
  - Home retrofitting and energy efficiency, including Cambridgeshire Energy Retrofit Partnership
  - Environmental Health
  - Hackney carriages and private hire
  - Shared Waste service and RECAP
  - The Market services and street trading (excluding the Market redevelopment)
  - Fleet & Garage

#### 4.17.8 Cabinet Member for Planning & Transport

- Responsibility for:
  - Land use planning, including implementing the adopted Local Plan and developing local planning briefs and supplementary planning guidance
  - Development of future planning policy including the Joint Local Plan with South Cambridgeshire District Council
  - Planning delivery, including review of the planning service
  - Development and Building Control
  - Infrastructure and transport – Liaison with County
  - Parking Strategy and Charges

#### 4.17.9 Cabinet Member for Communities

- Responsibility for:
  - Community grants & Community centres

- Equity including the Single Equalities scheme
- Supporting refugees and asylum seekers
- Lead on cross-cutting issues (e.g. GRT inclusion)
- Food justice and food hubs
- Council owned or operated community facilities
- Overseeing and implementing Community Wealth Building approach (including circular economy and social value)
- Community Development
- Relationship with voluntary and community sector

#### 4.17.10 Cabinet Member for Nature, Open Spaces and City Services

- Responsibility for:
  - Commons, reserves, nature reserves and open spaces, including their maintenance
  - Council's responsibilities for sewerage and drainage
  - Rivers and other water recreation areas, adopted watercourses and drainage, including working with Cam Conservator representatives
  - Allotments
  - Nature conservation delivery and EIP
  - Public Toilets
  - Parking operations
  - Street Cleansing, including litter bins
  - Crematoria

#### 4.17.11 Cabinet Member for Safety, Wellbeing and Tackling Homelessness

- Responsibility for:
  - Homelessness and rough sleeping
  - Public Safety
  - Community Safety Partnership
  - Police and Crime Panel member
  - Health, wellbeing and health inequalities (Cambridge University Hospitals Board)
  - Leisure and Sports
  - Lead on Council's developing role with NHS/Integrated Care system

#### 4.17.12 Cabinet Member for Culture, Economy & Skills

- Responsibility for:

- Lead on inclusive economy and good growth
- Lead on skills, including relationships with jobs, skills and education providers.
- Learning and training, support into and between work
- Business liaison
- Tourism and the visitor economy
- BID Board
- Culture and arts development in the city (Junction, Corn Exchange, Folk Festival etc)

4.17.13 Portfolio Holders have delegated power to take all decisions within their area of responsibility subject to not having a conflict of interest and the action being within the approved policy and budgetary framework up to a financial threshold of £499,999 and provided that it is not a Key Decision.

4.17.14 Each Portfolio Holder is also responsible for the development of policy and strategy in their area of activity which shall be submitted to the Cabinet for approval. Portfolio Holders have delegated power to approve and implement minor changes to policy and strategy within their portfolio area provided that it does not incur expenditure for which there is no approved budget.

4.17.15 Any decision needing the approval of three or more Portfolio Holders will be referred to Cabinet.

4.17.16 Any decision below a financial threshold of £250,000 is delegated to Chief Officers, unless otherwise rendered a decision for the Portfolio Holder or Cabinet.

#### 4.18. Further Delegations of Executive Functions

4.18.1 Where the Cabinet, a Committee of Cabinet or an Individual Cabinet Member is responsible for an Executive function, they may further delegate the exercising of that Executive function to an Officer or via joint arrangements unless prohibited by law.

4.18.2 Where Executive functions have been delegated, this does not prevent the discharge of those delegated functions by the person or body who delegated the function.

#### 4.19. Amending the Scheme of Delegation

4.19.1 The Leader may amend the scheme of delegation relating to Executive functions at any time during the year by giving written notice to the Monitoring Officer and to the

person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The appropriate amendments to the Constitution will be made by the Monitoring Officer. This will have immediate effect, and the change(s) will be notified to Council.

- 4.19.2 When the Executive seeks to withdraw delegation from a Cabinet Committee, notice will be deemed to be served on that Committee when the Leader has served it on the Chair of the Committee.

#### 4.20. Decisions taken by the Executive

- 4.20.1 Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- 4.20.2 All reports to the Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the relevant Overview and Scrutiny Committee, where applicable, 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.

#### 4.21. How items can be put on the agenda for a Cabinet Meeting

- 4.21.1 Items may be placed on the agenda of a Cabinet meeting in any of the following ways:
- an item will be placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee, the Civic Affairs and Audit Committee or the Council has resolved that an item be considered by the Cabinet. There will be an item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny and Civic Affairs and Audit Committees when required;
  - the Chief Executive, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties;
  - the Leader or any other member of the Cabinet may require the Proper Officer to place on the agenda of the next available meeting an item for consideration;

- the Leader may agree to a request of any member of the Council that an item be placed on the agenda of the next available meeting for consideration. The notice of the meeting will give the name of the member who asked for the item to be considered. This member will be invited to attend the meeting and will be allowed to speak on the item. There shall be a maximum of two such items on any one Cabinet meeting agenda; or
- by giving the appropriate notice of an item on the Forward Plan.

## 4.22. Decision-Making

### 4.22.1 Key Decisions may be taken by:

- a. the Cabinet;
- b. a Cabinet Member to whom, or a Committee of the Cabinet to which, authority over the function to which the Key Decision relates has been delegated;
- c. a Cabinet Member or Officer to whom, or a Committee of the Cabinet to which, authority to make the specific Key Decision has been delegated; or
- d. the delegator of the authority should the decision be returned to the delegator.

### 4.22.2 Other than in exceptional circumstances a Key Decision cannot be taken unless at least 28 clear days public notice has been given of the intention to take the decision. Detailed rules relating to the taking of Key Decisions are set out in the Access to Information Rules at Part 4 section 2 of the Constitution.

### 4.22.3 No Key Decision shall be acted upon until either the deadline for submission of a request for 'Call In' has passed without one being submitted or any request for 'Call In' has been disposed of or special urgency provisions apply. The provisions relating to 'Call In' are contained in the Overview and Scrutiny Procedure Rules at Part 4 section 5 of the Constitution.

## 4.23. Individual Cabinet Member Decision-Making – Key Decisions

### 4.23.1 Where a Cabinet Member or an Officer receives a report which they intend to take into account when making a Key Decision, they must not make that decision until the report has been available for public inspection for at least five clear days. This mirrors the notice period applicable to reports relating to Key Decisions to be considered by Cabinet when meeting together.

- 4.23.2 The Cabinet Member or Officer must ensure that the Proper Officer makes the report (and a list and copies of Background Papers) available for inspection by members and the public as soon as reasonably practicable after the Cabinet Member or Officer receives it.
- 4.23.3 Before making a decision, the decision-maker shall give full consideration to all reports made available relating to the decision, any comments on the proposed decision made by Members and, where necessary, consideration shall be given to the need for further consultation or information.

#### 4.24. Non-Key Decisions

A non-Key Decision is an Executive decision that does not meet either criterion of a Key Decision as defined in this Constitution.

- 4.24.1 Non Key Decision s may be taken by Cabinet, by an Individual Cabinet Member, a Committee of the Cabinet or by an Officer. In all cases, the decision-making body or person will be determined in accordance with powers delegated generally or specifically for that purpose.
- 4.24.2 No non-Key Decisions which are subject to ‘Call In’ shall not be acted on until the deadline for requesting ‘Call In’ has passed without a request being submitted or the urgency provisions apply (see the Overview and Scrutiny Rules in Part 4 section 5 for detailed provisions on ‘Call In’.)
- 4.24.3 Where a Cabinet Member or an Officer receives a report which they intend to take into account when making a non-Key Decision , they must not make that decision until the report has been available for inspection by members and the public for at least five clear days. This mirrors the notice period applicable to reports relating to Key Decisions.
- 4.24.4 The Cabinet Member or Officer must ensure that the Proper Officer makes the report (and a list and copies of Background Papers) available for inspection by members and the public as soon as reasonably practicable after the Cabinet Member or Officer receives it.
- 4.24.5 Before making a decision, the decision-maker shall give full consideration to all reports made available relating to the decision, any comments on the proposed decision made by Members and, where necessary, consideration shall be given to the need for further consultation or information.

## 4.25. Individual Cabinet Member Decisions: Supplemental Rules

4.25.1 Individual Cabinet Members are empowered in line with their Portfolios and delegations to make Executive decisions. If an Individual Cabinet Member intends to make a Key or a non-Key Decision, the following additional rules apply:

- If the Leader or a Cabinet Member has a Disclosable Pecuniary Interest in any matter which he or she is requested to consider, they shall immediately return the papers to the Chief Executive. The matter will then be considered by the Cabinet collectively. It is incumbent on Council Officers and Cabinet Members to brief themselves as fully as possible to avoid this situation arising.
- If a Cabinet Member is absent or unavailable for any reason, the Leader of the Council (or in their absence the Deputy Leader) may, by written notice to the Chief Executive, have power to temporarily re-allocate that portfolio to another Cabinet Member until the next Cabinet meeting (when the Cabinet can decide on the matter). The Leader or Cabinet Member will be able to take part in the decision-making process if a dispensation has been granted.
- If a Cabinet Member is unable to act for any other reason, the Leader of the Council is authorised to make the decision or in their absence or at their request the Deputy Leader is authorised to make the decision. If the Leader is unable to act, the Deputy Leader is authorised to make the decision.
- In respect of any ordinary business, the Leader or a Cabinet Member may exceptionally decline to decide the matter and instead ask the Proper Officer to put it on the agenda for the next Cabinet meeting.
- In respect of any urgent business, if the Cabinet Member delays or declines to make a decision the Chief Executive shall have power to seek a decision from the Leader or Deputy Leader.

4.25.2 Individual Cabinet Members shall not be empowered to make a Key or non-Key Decision if:

- the decision would be a departure from the agreed annual Budget or Policy Framework;
- the Leader has indicated that the decision should be taken collectively by Cabinet. Notification of this by the Leader must be made to the Monitoring Officer;
- the decision is solely in relation to the Cabinet Member's own Ward including, for example, making a grant, unless this is agreed by the Leader;
- the Cabinet Member has either a Disclosable Pecuniary Interest or some other conflict of interest;
- the authority to make the decision has been delegated to an Officer, unless the Officer refers the decision to the Cabinet Member; or



- the Monitoring Officer or Chief Executive has determined that the decision is not an Executive decision.

4.25.3 As with any Executive decision, the Cabinet Member must consult those Officers deemed appropriate by the Chief Executive and must take account of this advice and the legal, financial and equalities implications of the decision under consideration.

4.25.4 Where there are significant implications across other portfolios, the decision should be made in consultation with other appropriate Cabinet Members.

4.25.5 Where a decision has a significant impact on an individual Ward the Cabinet Member should consult the appropriate Ward member(s).

4.25.6 Where it is not clear in which Cabinet Member's Portfolio an issue sits, the Leader shall decide. If the appropriate Cabinet Member is unavailable and a decision needs to be taken urgently, then the Leader may take the decision in consultation with the Chief Executive.

4.25.7 The rules relating to the notification and recording of decisions, along with 'Call In' procedures, as covered elsewhere in Section 4 of the Constitution apply to Executive decisions taken by individual Cabinet Members.

## 4.26. Recording of Key and Non-Key Executive Decisions

4.26.1 The outcome of Executive decisions, whether Key Decisions or non-Key Decisions, shall be recorded as soon as practicable after they have been made in accordance with Access to Information Procedure Rules.

4.26.2 An Executive decision taken by the Cabinet at a Cabinet meeting shall be recorded in the minutes of that meeting. An Executive decision taken by an individual Cabinet Member or an Officer shall be recorded separately. In both cases, the Proper Officer shall produce a written statement in respect of that decision which includes:

- a record of that decision;
- a record of the reasons for that decision;
- details of any alternative options considered; and rejected at the time; and
- a record of any conflict of interest or of any dispensation granted.

4.26.3 Following the making of an Executive decision as allowed by this Constitution, the Proper Officer shall ensure that any records prepared in connection with and any report considered shall be available for inspection by members of the public.

#### 4.27. Action where a Key Decision has not been shown on the Forward Plan

4.27.1 A Key Decision that has not been shown on the Forward Plan shall only be made in exceptional circumstances. Detailed rules are contained in the Access to Information Procedure Rules in Part 4 section 2 of the Constitution.

## Section 5 – Overview and Scrutiny Procedure Rules

### 5.1. Overview and Scrutiny Procedure Rules

- 5.1.1 The Council is required by law to discharge certain Overview and Scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees can contribute to the development of Council policies and also hold the Executive to account for decisions. Another key part of the Overview and Scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 5.1.2 Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants and service users. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.
- 5.1.3 The Council has two Overview and Scrutiny Committees, which are required by statute to abide by any statutory limitations placed upon them.

### 5.2. Composition Arrangements

- 5.2.1 The Committees will consist of eight Members of the Council, or such number as shall be determined at the Annual Council meeting and will reflect political proportionality.
- 5.2.2 All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

### 5.3. Appointment of Members

Members of the Overview and Scrutiny Committees will be appointed by Annual Council meeting in accordance with the wishes of the political group to whom the seats have been allocated.

### 5.4. Co-optees

The Overview and Scrutiny Committees will be entitled to recommend to Council the appointment of a number of people as non-voting Co-optees.

### 5.5. Meetings of the Overview and Scrutiny Committees

Meetings of the Overview and Scrutiny Committees will be programmed in each year. They will normally be held every two months with additional meetings as necessary. An additional meeting will be held following a request from not less than one quarter of the total membership of the Committee to the Proper Officer.

### 5.6. Quorum

The quorum for the Overview and Scrutiny Committee will be three voting Members of the Committee.

### 5.7. Procedure at Overview and Scrutiny Committee meetings

5.7.1 Meetings of the Overview and Scrutiny Committees will consider the following business:

- minutes of the last meeting;
- declarations of interest;
- public participation;
- consideration of any matter referred to the relevant Overview and Scrutiny Committee for a decision in relation to call- in of a decision;
- responses of the Cabinet to reports of the Committee;
- consideration of the Forward Plan; and
- the business is otherwise set out on the agenda for the meeting, including the Committee's work programme.

5.7.2 Cabinet Members will be invited by the Overview and Scrutiny committees to address the Committee in relation to items of business specific to their Portfolio.

5.7.3 Where either Committee conducts inquiries (for example, with a view to policy options), it may also ask people to attend Committee meetings to assist Members. The meeting will be conducted in accordance with the following principles:

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

5.7.4 Following any investigation or review, the Committee will prepare a report, for submission to the Executive and/or Council as appropriate and will make its report and findings public.

## 5.8. Overview and Scrutiny Committees – Chairs and Vice Chairs

5.8.1 The Chairs and Vice Chairs of the Overview and Scrutiny Committees will be appointed by Council at its Annual Meeting.

5.8.2 In the event that there is more than one political group within the council, in line with best practice appointment to the chairs of the Overview and Scrutiny Committees will normally be from members outside the majority group.

5.8.3 In the event that a Chair is appointed who is not a Member of the majority group, there will be a presumption that the Vice Chair will be from the majority group.

5.8.4 In the event that a Chair of an Overview and Scrutiny meeting is unable to Chair the meeting for whatever reason, that meeting will be Chaired by the Vice Chair. In the event that neither the Chair or Vice Chair is able to Chair the meeting, the remaining Members will elect a Member from among them to Chair the meeting. The person so appointed will relinquish the Chair if the Chair or Vice Chair subsequently arrives at the meeting.

5.8.5 If a vacancy occurs in the office of Chair or Vice Chair, the Committee will fill the vacancy at their next ordinary meeting.

5.8.6 Following any investigation or review, the Committee will prepare a report, for submission to the Cabinet and/or Council as appropriate and will make its report and findings public.

5.8.7 The Chair or Vice Chair will hold office as Chair or Vice Chair until

- they resign from the office of Chair or Vice-Chair;
- they are no longer a Councillor; or
- they are removed by a resolution of the Council.

## 5.9. Work Programme

5.9.1 The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they will take into account wishes of Members of

that Committee who are not Members of the largest political group on the Council. The work programme should retain flexibility to deal with urgent issues.

5.9.2 In setting its work programme, the Overview and Scrutiny Committees will take into account;

- the Council's corporate and strategic priorities;
- significant policies and proposed decisions in the Forward Plan;
- submissions from members of the public;
- submissions from Councillors/Cabinet; and
- the need for a clear rationale for including items for consideration and with regard to the Forward Plan, ensuring that the largest, strategic items or those which are otherwise likely to have a significant impact are given precedence.

5.9.3 The Committees will be 'forward-looking', shaping new policies at an early stage of their development, and undertaking reviews of existing policies or service delivery models in order to look to make future improvements.

## 5.10. Terms of References

The Overview and Scrutiny Committees have the following general functions and responsibilities:

- to discharge the statutory functions granted to the Committees by Section 21 of the Local Government Act 2000, as amended, plus consideration of any matter referred to them under Section 21A, together with any powers and functions conferred under Sections 21A, 21B and 21D of the Local Government Act 2000;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
- to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
- to question Members of the Cabinet and/or Cabinet Committees and/or Officers about their views on issues and proposals affecting the area and to make reports or recommendations to the authority or the Cabinet on matters which affect the authority's area or the inhabitants of that area;
- to liaise with external organisations, operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative partnership working;
- to conduct research, community and other consultation in the analysis of policy issues and possible options;

- to consider mechanisms to encourage and enhance community participation in the development of policy options;
- to consider the impact of policies to assess if they have made a difference;
- to consider the Forward Plan and comment as appropriate prior to any decision being made;
- to review performance against the Council's agreed objectives/priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/ priorities and to make recommendations to the Executive;
- to receive a referral from any Member of the Committee, relevant to the functions of the Committee;
- to appoint time limited Task and Finish Groups to undertake detailed scrutiny work and report back to the Committees to enable the Overview and Scrutiny Committees to consider their report and to make recommendations to the Cabinet; and
- to scrutinise decisions prior to implementation in accordance with the Council's adopted call-in procedure (as detailed below).

### 5.11. Agenda Items

- 5.11.1 Any Member of the Overview and Scrutiny Committees will be entitled to request, by notice to the Democratic Services Officer, that they wish for an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. The Democratic Services Officer, in consultation with the Chair of the Committee will consider if the request aligns with the Committees work programme, whether it is appropriate for the matter to be considered and whether there are sufficient resources available to enable a report to be prepared.
- 5.11.2 The Committee will also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Committee will report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet will consider the report at its next meeting.

### 5.12. Reports from Overview and Scrutiny Committees

- 5.12.1 Once they have formed recommendations on proposals the relevant Committee (with support from Officers) will prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing

Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

5.12.2 The Chair, or in their absence, the Vice-Chair of the relevant Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a Task and Finish group, the report to the Cabinet and/or Council can also be made by the Chair or Vice-Chair of that Task and Finish Group.

5.12.3 If the relevant Committees cannot agree on one single final report to the Council or Cabinet as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report with the agreement of that Committee.

5.12.4 The Council or Cabinet will consider the report of the relevant Overview and Scrutiny Committee at its next meeting.

### 5.13. Ensuring Scrutiny Reports are Considered by Cabinet

5.13.1 Once the relevant Committees have completed their deliberations on any matter, they will forward a copy of the final report to the Democratic Services Manager, who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Democratic Services Manager refers the matter to Council, they will also serve a copy on the Leader with notice that the matter is to be referred to the Council. The Cabinet must be given the opportunity to respond to the scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it will also consider any response of the Cabinet to the scrutiny proposals.

5.13.2 The agenda for Cabinet meetings will include an item entitled 'Issues arising from Overview and Scrutiny' and the Overview and Scrutiny Chairs will have a standing invitation to present this item should they wish to. Any reports referred to the Cabinet will normally be included at this point in the agenda (unless they have been considered in the context of the Cabinets deliberations on a substantive item on the agenda).

### 5.14. Members and Officers giving account

5.14.1 Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role,

it may require any Member of the Cabinet, the Head of Paid Service and/or any senior Officer to attend before it to explain in relation to matters within their remit such as:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance.

and it is the duty of those persons to attend if so required.

5.14.2 Where any Councillor or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Scrutiny Officer. The Scrutiny Officer will inform the Councillor or Officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account, and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

5.14.3 Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee will, in consultation with the Councillor or Officer arrange an alternative date for attendance.

5.14.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee will, in consultation with the Member or Officer arrange an alternative date for attendance.

## 5.15. Forms of Scrutiny

5.15.1 Scrutiny should not be limited to meetings of the Overview and Scrutiny Committees. Councillors can contact Cabinet Members and Officers in advance of the Overview and Scrutiny meeting to gather information to facilitate informed and focused discussion at Committee. These informal enquiries may assure Councillors at an early stage and allow the Committees limited time to be used more appropriately.

5.15.2 The Overview and Scrutiny Committees have the following tools to utilise when scrutinising a topic and these tools should be considered in the following order;

- a report to the Overview and Scrutiny Committee;
- calling for expert evidence;
- establishing a Task and Finish Group; and
- the use of 'Call-in'.



## 5.16.Task and Finish Groups

- 5.16.1 Task and Finish Groups may be set up by the Overview and Scrutiny Committees to carry out detailed work in relation to specific topics or issues. The Overview and Scrutiny Committees will decide what Task and Finish Groups are set up and what their terms of reference will be. These will include deciding the membership of the group and the proposed dates of reporting to the Overview and Scrutiny Committees.
- 5.16.2 Only one Task and Finish Group should be set up at any one time for each Overview and Scrutiny Committee with a maximum of two Task and Finish Groups per year across both Committees.
- 5.16.3 Task and Finish Groups are informal bodies and will have no decision making powers and will report to the parent Overview and Scrutiny Committee.
- 5.16.4 Task and Finish Groups will keep the relevant Overview and Scrutiny Committee informed of their progress. They will produce a report for consideration by the relevant Overview and Scrutiny Committee at the end of the review.

## 5.17.Call-In

- 5.17.1 A key element of the scrutiny role concerns the arrangements for the ‘Call-in’ of a decision taken by or on behalf of the Cabinet. Key or Non-Key Decisions by the Cabinet, a Committee of the Cabinet an Individual Cabinet Member and Key Decisions made by an Officer with delegated authority from the Executive, may be ‘called in’ by five Members of the Council submitting a request in writing on a proforma ‘call in’ request form to the Chief Executive within five working days of the publication of the decision subject to ‘call-in’. No action can be taken on an item ‘called in’ for scrutiny until the matter has been determined or unless the request for ‘call-in’ is withdrawn.
- 5.17.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the Cabinet decision was not taken in accordance with the principles set out in Article 11 of the Constitution on decision making. In order to ensure that Call In is not abused and does not cause unreasonable delay, certain limitations are to be placed on its use. These are:
- a request to call-in a decision must be made in writing (including email) by at least five Members of the Council and delivered to the Chief Executive or to an Officer acting on their behalf;

- a decision on the same item may only be called in for scrutiny by the relevant Overview and Scrutiny Committee on one occasion within a six-month period. The six-month period is to commence from the date the ‘Call In’ request is received by the Chief Executive; and
- Members who have requested that a decision be called in may withdraw their ‘Call In’ request at any time prior to the meeting taking place to hear the ‘Call In’ request, by giving notice in writing to the Chief Executive or to an Officer acting on their behalf.

5.17.3 Limitations on Call-in: The power to request that a decision be ‘called in’ can only be exercised in respect of Executive functions. The right to request ‘call-in’ cannot be exercised in respect of:

- a matter which is determined by the Council;
- a planning, licensing or other regulatory or administrative decision;
- any matter relating to an individual or entity where there is already a statutory right to review or appeal;
- a Cabinet decision taken as a matter of urgency;
- a decision made by an Officer exercising delegated authority that is not a Key Decision; and
- a matter where the associated report has already been considered by the relevant Overview and Scrutiny Committee.

The decision as to whether the ‘call in’ request is valid or falls within a-f above rests with the Chief Executive and/or Monitoring Officer.

5.17.4 The following arrangements for ‘call-in’ will apply:

- when a Key or Non-Key Decision is made by the Cabinet (or by any Committee or Members of the Cabinet with delegated authority or a Key Decision is made by an Officer with delegated authority from the Cabinet, the decision will be published electronically. Notification of all such decisions will also be issued to all councillors by the person responsible for publishing the decision;
- the relevant notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless ‘called in’;
- during that period, the Chief Executive will Call In a decision for scrutiny by the Committee if so requested by five Councillors, and will notify the decision-taker of the ‘Call In’. An item called in for scrutiny will normally be considered by the relevant Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chair of the Committee, an Extraordinary Meeting of the

Committee may be called on such date as be may determined in accordance with the Access to Information Procedure Rules;

- any Member considering a request to ‘Call In’ a decision must first make every effort to discuss the issue with the relevant Cabinet Member or the Leader of the Council;
- Members using the ‘Call In’ arrangements have the right to address the relevant Overview and Scrutiny Committee when it deals with the issue;
- Normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Cabinet. However, the Committee may consider that further time is required to consider the issue and would therefore need to recommend to the Executive that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Executive will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules;
- if the Overview and Scrutiny Committee agrees with a ‘Called In’ decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting;
- if, through the scrutiny process and/or in pursuance of the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution, a ‘Called In’ decision is deemed to be contrary to the Policy Framework, and/or contrary to or not wholly consistent with the Budget, it may have to be referred to the Council for a final decision and the action cannot be acted upon until this decision is made; and
- if the called in decision does not contradict the Policy Framework and/or Budget, but the Committee decides to make an alternative recommendation, this will be considered by the Cabinet at its next meeting and no action should be taken until a final decision has been made by the Cabinet.

A process flow diagram can be found [Part 4, Section 5.21](#).

## 5.18.Call-in and Urgency

5.18.1 The ‘Call in’ procedure set out above will not apply where the decision being taken by the Cabinet, Individual Cabinet Member or to an Officer acting under delegated powers is urgent. A decision will be urgent if any delay likely to be caused by the ‘Call In’ process would seriously prejudice the Council’s or the public’s interest. The record of the decision, and notice by which it is made public will state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to the ‘Call in’ procedure.

5.18.2 The Chair of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable and that there are reasonable grounds for treating the decision as a matter of urgency. In the absence of the Chair, the Vice Chair of the Overview and Scrutiny Committee's consent will be required. In the absence of both, the consent of the Mayor, or in their absence the Deputy Mayor will 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.

## 5.19. The Party Whip

As part of the scrutiny function, the imposition of the party whip is regarded by the Council as incompatible with the Overview and Scrutiny Committees terms of reference. The party whip should not therefore be imposed on any Members of the Overview and Scrutiny Committees while engaged in that Committee's work

## 5.20. Councillor Call for Action (CCfA) Protocol and Process

5.20.1 Any Councillor may request that the Overview and Scrutiny Committees consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of the CCfA Protocol. The operation of CCfA will be in full compliance with the Protocol and, as for 'Call-in', will be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

5.20.2 The decision to raise and champion a CCfA lies with individual Councillors. The CCfA, alongside proposals which will require a much wider range of agencies to formally cooperate with scrutiny in the future, is intended to provide greater emphasis to the work undertaken by Councillors in the community as community advocates and champions, and to further increase the accountability of public service providers to local communities.

5.20.3 Protocol:

- Under section 119 of the Local Government and Public Involvement in Health Act 2007, a Councillor may call for debate and discussion at a Committee meeting, on a topic of neighbourhood concern. These powers are limited to an issue which affects a single Council Ward. CCfA will be considered by the Overview and Scrutiny Committee whose terms of reference include within its remit the subject of the CCfA. In order to initiate the CCfA process, the Chair of the Committee, in

conjunction with the Monitoring Officer, will need to be satisfied that the following criteria have been met.

#### 5.20.4 Checklist for Councillors using a CCfA

##### Initial considerations and actions

- Discuss with Ward Councillors (check their actions and intentions and whether they can help).
- Take steps to resolve the issue through existing mechanisms such as contacting Council Officers (including the Scrutiny Officer), or liaising with other organisations, or by checking whether it can be fed into an existing or review already being undertaken.
- If the issue is resolved, inform the resident of the outcome and the steps taken, including any difficulties or learning points.
- If the issues remain unresolved, consult the Scrutiny Officer and if appropriate, formally request that the item be considered by the relevant review committee.

#### 5.20.5 Statutory Regulations specify matters that are excluded from CCfA:

- any matter which is vexatious, discriminatory or not reasonable
- any matter which is the subject of an individual complaint
- any issue relating to an excluded matter, such as planning appeal, licensing appeal or other issue where there is an alternative avenue available and
- the matter must be one where all other attempts at resolution have been exhausted.

#### 5.20.6 The following process will need to be followed:

- a Member should direct a CCfA request in writing to the Chair of the relevant Overview and Scrutiny Committee and the Monitoring Officer who will, if the above criteria are met, allow the issue to be placed on the agenda for a subsequent meeting. The request should specify:
  - the Ward concerned and how the issue relates only to that Ward;
  - the views and concerns of local residents;
  - how existing mechanisms for resolution have been tried and exhausted; and
  - the desired outcomes for resolving the issue.
- The Committee Chair, in conjunction with the Monitoring Officer, may determine whether the next scheduled meeting of the relevant Committee is appropriate to consider the matter or if an additional meeting needs to be convened.

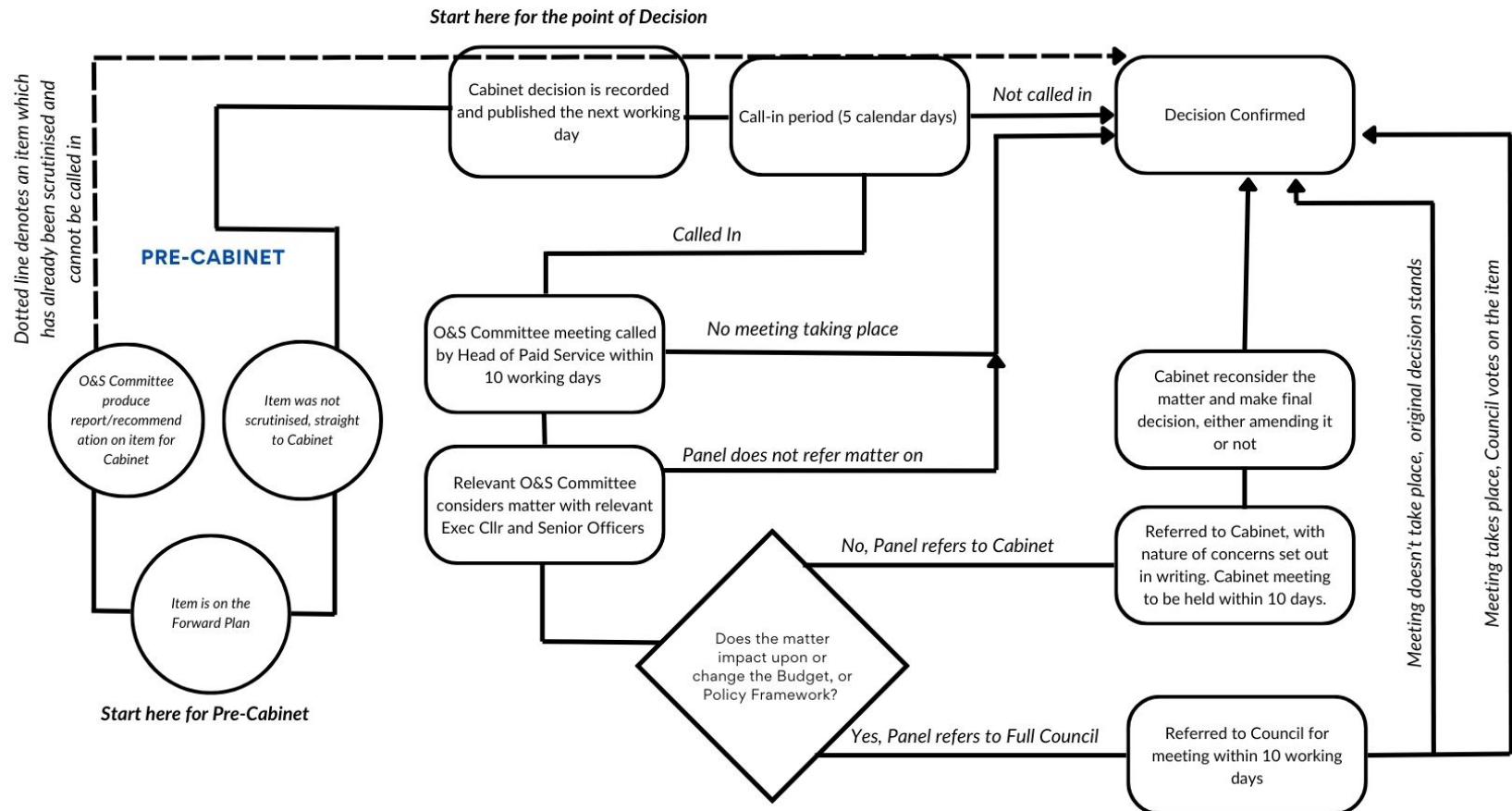
- The Committee, subject to the necessary notice being given, will be able to request attendance from the relevant Cabinet Member and/or representatives of partner organisations, and/or to request information.
- The Committee should discuss how to achieve the desired outcomes that the Member bringing the CCfA has specified and should conclude its consideration with a recommendation that certain action(s) should take place. The Committee may decide to challenge whether the desired outcome is reasonable.
- Whilst there will be no specified procedure for the discussions, the Chair, in consultation with Officers, may determine an informal structure that will enable all parties to contribute.

5.20.7 All CCfA requests, whether pursued or not, should be reported to the next relevant meeting of the Committee for information. This will enable the Committees to take account of all requests in determining work programmes.

## 5.21. Appendix for Section 5

### Appendix 1: Process flow for Call-In

#### PROCESS FLOW: CALL IN



## Section 6 – Financial Regulations

Please note – these have not changed and will look to be updated at the next review (December 2025). The current approach will be to keep Financial Regulations but for the Financial Procedure Rules to move into a separate document to allow for a more agile approach in day-to-day iterations.

### 6.1. Financial Regulations

#### *Purpose and Application*

- 6.1.1 To conduct its business efficiently, a Local Authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- 6.1.2 The financial regulations provide clarity about the financial accountabilities of individual Members and Officers and any other person acting on behalf of the Council. Each of the financial regulations sets out the overarching financial responsibilities.
- 6.1.3 These financial regulations and the procedures set out in appendices A to E, form part of the Council's Constitution.

#### *Status of Financial Regulations*

- 6.1.4 Financial regulations provide the framework for managing the Authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 6.1.5 The regulations identify the financial responsibilities of the Full Council, Executive and Overview and Scrutiny Members, the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and other Senior Officers. Executive Councillors and Directors should maintain a written record where decision making has been delegated to members of staff below the level of Director/Assistant Director, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, references to the director in the regulations should be read as referring to them.
- 6.1.6 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.



- 6.1.7 The Chief Financial Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Full Council for approval. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the council and/or to the executive.
- 6.1.8 The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations.
- 6.1.9 Directors/Assistant Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.
- 6.1.10 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

## 6.2. Financial Regulation A: Financial Management

### INTRODUCTION

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

### THE FULL COUNCIL

- 6.2.1 The Full Council is responsible for adopting the Authority's Constitution and Members' code of conduct and for approving the Policy and Budget Framework within which the Executive operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its constitution. The Full Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.
- 6.2.2 The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

## **THE EXECUTIVE**

- 6.2.3 The executive is responsible for proposing the policy framework and budget to the full council, and for discharging executive functions in accordance with the policy framework and budget.
- 6.2.4 Executive decisions can be delegated to a committee of the executive, an individual Executive Councillor, an officer or a joint committee.
- 6.2.5 Executive Councillors should consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

## **COMMITTEES**

### **Overview and scrutiny committees**

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

### **Civic Affairs Committee**

- 6.2.7 The Civic Affairs Committee is an advisory body and reports to the full council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The committee is responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report.
- 6.2.8 The Committee is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

### **Other regulatory committees**

- 6.2.9 Planning and licensing are not executive functions but are exercised through the multi-party planning and licensing committee under powers delegated by the full council. The Planning and Licensing committees report to the full council.

## **THE STATUTORY OFFICERS**

### **Head of paid service (and chief executive)**

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

### **Monitoring officer**

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

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

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

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

6.2.15 The monitoring officer (together with the Chief Financial Officer) is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy which has budgetary implications
- committing expenditure in future years to above the budget level
- incurring inter service transfers above virement limits

- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

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

### **Chief Financial Officer**

6.2.17 The Chief Financial Officer 1 has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

6.2.18 The Role of the Chief Financial Officer in Local Government (CIPFA, 2010).

6.2.19 The Chief Financial Officer is responsible for:

- the proper administration of the authority's financial affairs
- setting and monitoring compliance with financial management standards
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- providing financial information
- preparing the revenue budget and capital programme
- treasury management.

6.2.20 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the full council, executive and external auditor if the authority or one of its officers:

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

Section 114 of the 1988 Act also requires:

---

<sup>1</sup> See A Statement on the Role of the Head of Finance in Local Government (CIPFA, 1999)

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

## **DIRECTORS**

6.2.21 Directors are responsible for:

- ensuring that Executive Councillors are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer
- signing contracts on behalf of the authority.

6.2.22 It is the responsibility of directors to consult with the Chief Financial Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

## **OTHER FINANCIAL ACCOUNTABILITIES**

### **Virement**

6.2.23 The Chief Financial Officer is responsible for agreeing procedures for virement of expenditure between budget headings. The Chief Financial Officer may approve technical virements to make budget transfers where there is no underlying change in the budget intention.

6.2.24 Directors and Assistant Directors are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Financial Officer. Executive Councillor or full Council approval will be required for virements in excess of £75,000 and for those which are between service groupings and/or portfolios, as set out in the current General Fund and Housing Revenue Account budget books.

6.2.25 The scheme of virement is set out in the Appendix B.

### **Treatment of year-end balances**

6.2.26 The Chief Financial Officer is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

## **Accounting policies**

6.2.27 The Chief Financial Officer is responsible for setting accounting policies and ensuring that they are applied consistently.

## **Accounting records and returns**

6.2.28 The Chief Financial Officer is responsible for determining the accounting procedures and records for the authority.

## **The annual statement of accounts**

6.2.29 The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The annual statement of accounts must be approved by resolution of a committee of the council or by the full council.

## **6.3. Financial Regulation B: Financial Planning**

### **INTRODUCTION**

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

- the corporate plan
- the budget
- the capital programme.

### **POLICY FRAMEWORK**

6.3.2 The full council is responsible for approving the policy framework and budget.

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

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

### **Preparation of the corporate plan**

- 6.3.5 The head of paid service is responsible for proposing the corporate plans and strategies to the executive for consideration before its submission to the full council for approval.

## **BUDGETING**

### **Budget format**

- 6.3.6 The general format of the budget will be approved by the full council and proposed by the executive on the advice of the Chief Financial Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and any required contingency funds.

### **Budget preparation**

- 6.3.7 The Chief Financial Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan (medium term forecast) on a five-yearly basis for consideration by the executive, before submission to the full council. The full council may amend the budget or ask the executive to reconsider it before approving it.
- 6.3.8 The executive is responsible for issuing guidance on the general content of the budget in consultation with the Chief Financial Officer as soon as possible following approval by the full council.
- 6.3.9 It is the responsibility of directors to ensure that budget estimates reflecting agreed service plans are submitted to the executive and that these estimates are prepared in line with guidance issued by the executive.

## **Budget monitoring and control**

- 6.3.10 The Chief Financial Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor expenditure against budget allocations and report to the executive on the overall position on a regular basis.
- 6.3.11 It is the responsibility of directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Financial Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

## **Resource allocation**

- 6.3.12 The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework.

## **Preparation of the capital programme**

- 6.3.13 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the executive before submission to the full council.

## **Guidelines**

- 6.3.14 Guidelines on budget preparation are issued to members and directors by the executive following agreement with the Chief Financial Officer. The guidelines will take account of:
- legal requirements
  - medium-term planning prospects
  - the corporate plan
  - available resources
  - spending pressures
  - best value and other relevant government guidelines
  - other internal policy documents
  - cross-cutting issues (where relevant).



## **MAINTENANCE OF RESERVES**

6.3.15 It is the responsibility of the Chief Financial Officer to advise the executive and/or the full council on prudent levels of reserves for the authority.

## **6.4. Financial Regulation C: Risk Management and Control of Resources**

### **INTRODUCTION**

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

### **RISK MANAGEMENT**

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

6.4.3 The Chief Financial Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the executive on proper insurance cover where appropriate.

### **INTERNAL CONTROL**

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

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

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

## **AUDIT REQUIREMENTS**

- 6.4.7 The Accounts and Audit Regulations 2015 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective internal audit.
- 6.4.8 Under the Local Audit and Accountability Act 2014, the Council is responsible for appointing its external auditors for the year 2017/18 onwards. Prior to this external auditors were appointed by the Audit Commission and following its abolition in 2015, its former role in appointing auditors, setting audit fees and other regulatory matters has been delegated to Public Sector Audit Appointments Limited (PSAA). The basic duties of the external auditor are as established by the Local Audit and Accountability Act 2014 and the Code of Audit Practice.
- 6.4.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

## **PREVENTING FRAUD AND CORRUPTION**

- 6.4.10 The Chief Financial Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

## **ASSETS**

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

## **TREASURY MANAGEMENT**

- 6.4.12 The authority has adopted CIPFA's Code of Practice for Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes.
- 6.4.13 The full council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes. The policy statement is proposed to the full council by the executive. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement.
- 6.4.14 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Responsible Officer.

- 6.4.15 The Chief Financial Officer is responsible for reporting to the executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- 6.4.16 All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 6.4.17 The Chief Financial Officer is responsible for reporting to the executive not less than once in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

## **STAFFING**

- 6.4.18 The full council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.
- 6.4.19 The head of paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 6.4.20 Directors/Assistant Directors are responsible for controlling total staff numbers by:
- advising the executive on the budget necessary in any given year to cover estimated staffing levels
  - adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
  - the proper use of appointment procedures.

## **6.5. Financial Regulation D: Systems and Procedures**

### **INTRODUCTION**

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

## **GENERAL**

- 6.5.2 The Chief Financial Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by directors to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, directors are responsible for the proper operation of financial processes in their own departments.
- 6.5.3 Any changes to agreed procedures by directors/assistant directors to meet their own specific service needs should be agreed with the Chief Financial Officer.
- 6.5.4 Directors/Assistant Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Financial Officer.
- 6.5.5 Directors/Assistant Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

## **INCOME AND EXPENDITURE**

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

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

- 6.5.7 The Chief Financial Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

## **TAXATION**

- 6.5.8 The Chief Financial Officer is responsible for advising directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- 6.5.9 The Chief Financial Officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## **TRADING ACCOUNTS/BUSINESS UNITS**

6.5.10 It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.

## **6.6. Financial Regulation E: External Arrangements**

### **INTRODUCTION**

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

### **PARTNERSHIPS**

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

6.6.3 The executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the executive remains accountable for them to the full council.

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

6.6.5 Directors/Assistant Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **EXTERNAL FUNDING**

6.6.6 The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

## **WORK FOR THIRD PARTIES**

- 6.6.7 The executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

## 6.7. Appendix - Financial Procedure Rules

### *Appendix A Financial Management*

#### **Financial management standards**

6.7.1 All staff and members have a duty to abide by the highest standards of probity in dealing with financial matters. This is facilitated by ensuring everyone is clear about the standards to which they are required to work and the controls that are in place to ensure that these standards are met.

#### **Key controls**

6.7.2 The key controls and control objectives for financial management standards are:

- (a) their promotion and understanding throughout the authority
- (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the executive and full council.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.3 To ensure the proper administration of the financial affairs of the authority.
- 6.7.4 To set the financial management standards and to monitor compliance with them.
- 6.7.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 6.7.6 To advise on the key strategic controls necessary to secure sound financial management.
- 6.7.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

#### **Responsibilities of directors/assistant directors**

- 6.7.8 To promote the financial management standards, set by the Chief Financial Officer, in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Chief Financial Officer.
- 6.7.9 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

## **Scheme of virement**

6.7.10 The overall budget is agreed by the executive and approved by the full council. The scheme of virement is intended to enable the executive, directors, assistant directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full council, and therefore to optimise the use of resources according to changing needs.

## **Key controls**

6.7.11 Key controls for the scheme of virement are:

- a. It is administered by the Chief Financial Officer within guidelines set by the full council. Any variation from this scheme requires the approval of the full council.
- b. All virements must be notified in writing to the Chief Financial Officer.
- c. Permanent virements are permitted following consultation and agreement with the Chief Financial Officer.
- d. Virements enable the executive and officers to manage their budgets responsibly and prudently, therefore they must not:
  - i. create additional overall budget liability
  - ii. support recurring expenditure from one-off sources of savings or additional income
  - iii. involve the creation of a new policy or change in policy
  - iv. create future resource commitments
  - v. represent a permanent change to the staffing establishment
- e. The Chief Financial Officer may approve technical virements to make budget transfers where there is no underlying change in the budget intention or impact on service delivery. Technical virements include those arising from approved policy changes and restructures, rationalisation of accounting codes and technical accounting changes.
- f. Approval limits with the scheme of virement are totals for transfers between cost centres for the financial year. Transactions must not be broken down in order to circumvent appropriate approvals, where a series of transactions together in the financial year exceed a limit, approval from the next appropriate level must be sought.



6.7.12 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that: (a) the amount is used in accordance with the purposes for which it has been established (b) the executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the executive.

### **Responsibilities of the Chief Financial Officer**

6.7.13 To administer the scheme of virement.

6.7.14 To prepare jointly with the relevant Director/Assistant Director a report to the executive on proposed virements, where required under the scheme.

### **Responsibilities of Directors and Assistant Directors**

6.7.15 Directors and Assistant Directors may exercise virement on budgets under his or her control within the annual limits set out below.

<b>Nature of virement</b>	<b>Total annual approval limit</b>	<b>Approval by:</b>
Within a cost centre	No limit	Cost centre manager
Between cost centres within a service grouping	Up to £75,000	Director/Asst. Director in consultation with the Chief Financial Officer
	£75,001 to £250,000	Executive councillor*
	Over £250,000	Full council
Between cost centres in different service groupings and/or portfolios	Up to £250,000	Executive councillor(s)* in consultation with the Chief Financial Officer
	Over £250,000	Full council
*All decisions taken by the Cabinet Member will follow the same process for out of cycle decisions, or if time allows, be sent to Performance, Assets & Strategy Overview & Scrutiny Committee for consideration.		

### **Treatment of year-end balances**

6.7.16 The scheme of carry forwards sets out the treatment of year-end balances. It is administered by the Chief Financial Officer.

6.7.17 The rules below cover arrangements for the transfer of resources between accounting years, ie a carry-forward.

- a. Carry forwards will be considered on a cost centre by cost centre basis and will only be considered where the application of the resources carried forward is in line with the original approved budget.
- b. No carry forward of less than £10,000 will be considered.

### **Key controls**

6.7.18 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

### **Responsibilities of the Chief Financial Officer**

6.7.19 To administer the scheme of carry-forwards.

6.7.20 To report jointly with the relevant Director/Assistant Director all material overspendings and underspendings on cost centre estimates to the executive and to the full council.

### **Responsibilities of directors and assistant directors**

6.7.21 Net underspendings on cost centre estimates under the control of the director/assistant director may be carried forward, subject to approval, as follows:

<b>Amount of carry forward</b>	<b>Approval by:</b>
Below £10,000	Carry forward not permitted
£10,000 to £50,000	Directors/Assistant Directors and Chief Financial Officer
Over £50,000	Full council

### **Accounting policies**

6.7.22 The Chief Financial Officer is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC), for each financial year ending 31 March.

### **Key controls**

6.7.23 The key controls for accounting policies are:

- a. systems of internal control are in place that ensure that financial transactions are lawful
- b. suitable accounting policies are selected and applied consistently
- c. proper accounting records are maintained
- d. financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

### **Responsibilities of the Chief Financial Officer**

6.7.24 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

- a. the separate treatment of capital and revenue transactions
- b. the basis on which debtors and creditors at year end are included in the accounts
- c. provisions and reserves
- d. fixed assets
- e. depreciation
- f. capital charges
- g. work in progress
- h. stocks and stores
- i. deferred charges
- j. government grants
- k. leasing.

### **Responsibilities of directors/assistant directors**

6.7.25 To adhere to the accounting policies and guidelines approved by the Chief Financial Officer.

### **Accounting records and returns**

6.7.26 Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

### **Key controls**

6.7.27 The key controls for accounting records and returns are:

- a. all staff and members operate within the required accounting standards and timetables
- b. all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
- c. procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- d. reconciliation procedures are carried out to ensure transactions are correctly recorded
- e. prime documents are retained in accordance with legislative and other requirements.

### **Responsibilities of the Chief Financial Officer**

6.7.28 To determine the accounting procedures and records for the authority. Where these are maintained outside the finance department, the Chief Financial Officer should consult the director concerned.

6.7.29 To arrange for the compilation of all accounts and accounting records under his or her direction.

6.7.30 To comply with the following principles when allocating accounting duties:

- a. separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
- b. employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

6.7.31 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 1996.

6.7.32 To ensure that all claims for funds including grants are made by the due date.

- 6.7.33 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the full council to approve the statement of accounts before 30 September.
- 6.7.34 To administer the authority's arrangements for underspendings to be carried forward to the following financial year.
- 6.7.35 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

#### **Responsibilities of directors/assistant directors**

- 6.7.36 To consult and obtain the approval of the Chief Financial Officer before making any changes to accounting arrangements and procedures.
- 6.7.37 To comply with the principles of separation of duties as outlined in paragraph 1.38 when allocating accounting duties.
- 6.7.38 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 6.7.39 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

#### **The annual statement of accounts**

- 6.7.40 The authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year and its financial position at 31 March. The Civic Affairs Committee is responsible for approving the statutory annual statement of accounts.

#### **Key controls**

- 6.7.41 The key controls for the annual statement of accounts are:
  - a. the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this authority, that officer is the Chief Financial Officer
  - b. the authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (the SORP) (CIPFA/LASAAC).

#### **Responsibilities of the Chief Financial Officer**

- 6.7.42 To select suitable accounting policies and to apply them consistently.
- 6.7.43 To make judgements and estimates that are reasonable and prudent.
- 6.7.44 To ensure compliance with the Accounting Code of Practice.

- 6.7.45 To sign and date the statement of accounts, including the required statutory declaration.
- 6.7.46 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

### **Responsibilities of directors/assistant directors**

- 6.7.47 To comply with accounting guidance provided by the Chief Financial Officer and to supply the Chief Financial Officer with information when required.

## *Appendix B Financial Planning*

### **Performance plans**

- 6.7.48 Each local authority has a statutory responsibility to publish various performance plans, including best value performance plans, crime reduction strategies, community care plans, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The authority is required to publish annually corporate planning, services' operational plans and monitoring arrangements which summarises its performance and position in relation to best value. This is a key element in the authority's programme of engaging with the public. External audit is required to report on whether the authority has complied with statutory requirements in respect of the preparation and publication of corporate planning, services' operational plans and monitoring arrangements.

### **Key controls**

- 6.7.49 The key controls for performance plans are:
- a. to ensure that all relevant plans are produced and that they are consistent
  - b. to produce plans in accordance with statutory requirements
  - c. to meet the timetables set
  - d. to ensure that all performance information is accurate, complete and up to date
  - e. to provide improvement targets which are meaningful, realistic and challenging.

### **Responsibilities of the Chief Financial Officer**

- 6.7.50 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 6.7.51 To contribute to the development of corporate and service targets and objectives and performance information.
- 6.7.52 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 6.7.53 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

### **Responsibilities of directors/assistant directors**

- 6.7.54 To contribute to the development of performance plans in line with statutory requirements.
- 6.7.55 To contribute to the development of corporate and service targets and objectives and performance information.

### **Budgeting**

#### **FORMAT OF THE BUDGET**

- 6.7.56 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

### **Key controls**

- 6.7.57 The key controls for the budget format are:
  - a. the format complies with all legal requirements
  - b. the format complies with CIPFA's *Best Value Accounting – Code of Practice*
  - c. the format reflects the accountabilities of service delivery.

### **Responsibilities of the Chief Financial Officer**

- 6.7.58 To advise the executive on the format of the budget that is approved by the full council.

### **Responsibilities of directors/assistant directors**

- 6.7.59 To comply with accounting guidance provided by the Chief Financial Officer.

## **REVENUE BUDGET PREPARATION, MONITORING AND CONTROL**

- 6.7.60 Budget management ensures that once the budget has been approved by the full council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 6.7.61 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 6.7.62 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the director's scheme of delegation.

### **Key controls**

- 6.7.63 The key controls for managing and controlling the revenue budget are:
- a. budget managers should be responsible only for income and expenditure that they can influence
  - b. there is a nominated budget manager for each cost centre heading
  - c. budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
  - d. budget managers follow an approved certification process for all expenditure
  - e. income and expenditure are properly recorded and accounted for
  - f. performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

### **Responsibilities of the Chief Financial Officer**

- 6.7.64 To establish an appropriate framework of budgetary management and control that ensures that:
- a. budget management is exercised within annual cash limits unless the full council agrees otherwise



- b. each director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
- c. expenditure is committed only against an approved budget head
- d. all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations
- e. each cost centre has a single named manager, determined by the relevant director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
- f. significant variances from approved budgets are investigated and reported by budget managers regularly.

6.7.65 To administer the authority's scheme of virement.

6.7.66 To submit reports to the executive and to the full council, in consultation with the relevant director, where a director is unable to balance expenditure and resources within existing approved budgets under his or her control.

6.7.67 To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

#### **Responsibilities of directors/assistant directors**

6.7.68 To maintain budgetary control within their departments, in adherence to the principles in 6.7.64, and to ensure that all income and expenditure are promptly and properly recorded and accounted for.

6.7.69 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

6.7.70 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

6.7.71 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

6.7.72 To prepare and submit to the executive reports on the service's projected expenditure compared with its budget, in consultation with the Chief Financial Officer.

6.7.73 To ensure prior approval by the full council or executive (as appropriate) for new proposals, of whatever amount, that:

- a. create financial commitments in future years
- b. change existing policies, initiate new policies or cease existing policies

- c. materially extend or reduce the authority's services.

6.7.74 To ensure compliance with the scheme of virement.

6.7.75 To agree with the relevant director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or director's level of service activity.

## **BUDGETS AND MEDIUM-TERM PLANNING**

6.7.76 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.

6.7.77 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

6.7.78 Medium-term planning (or a three- to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

### **Key controls**

6.7.79 The key controls for budgets and medium-term planning are:

- a. specific budget approval for all expenditure
- b. budget managers are consulted and involved in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the executive for their budgets and the level of service to be delivered
- c. a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **Responsibilities of the Chief Financial Officer**

6.7.80 To prepare and submit reports on budget prospects to the executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

6.7.81 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the full council, and after consultation with the executive and directors.

- 6.7.82 To prepare and submit reports to the executive on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 6.7.83 To advise on the medium-term implications of spending decisions.
- 6.7.84 To encourage the best use of resources and value for money by working with directors and their staff to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 6.7.85 To advise the full council on executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

#### **Responsibilities of directors/assistant directors**

- 6.7.86 To prepare estimates of income and expenditure, in consultation with the Chief Financial Officer, to be submitted to the executive.
- 6.7.87 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the executive. The format should be prescribed by the Chief Financial Officer in accordance with the full council's general directions.
- 6.7.88 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 6.7.89 In consultation with the Chief Financial Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 6.7.90 When drawing up draft budget requirements, to have regard to:
- a. spending patterns and pressures revealed through the budget monitoring process
  - b. legal requirements
  - c. policy requirements as defined by the full council in the approved policy framework
  - d. initiatives already under way.

#### **RESOURCE ALLOCATION**

- 6.7.91 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

**Key controls**

6.7.92 The key controls for resource allocation are:

- a. resources are acquired in accordance with the law and using an approved authorisation process
- b. resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- c. resources are securely held for use when required
- d. resources are used with the minimum level of waste, inefficiency or loss for other reasons.

**Responsibilities of the Chief Financial Officer**

6.7.93 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

6.7.94 To assist in the allocation of resources to budget managers.

**Responsibilities of directors/assistant directors**

6.7.95 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

6.7.96 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

**CAPITAL PROGRAMMES**

6.7.97 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

6.7.98 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

**Key controls**

6.7.99 The key controls for capital programmes are:

- a. specific approval by the full council for the programme of capital expenditure
- b. expenditure on capital schemes is subject to the approval of the Chief Financial Officer

- c. for approval by the Capital Programme Board and endorsement for the project to be presented for capital funding approval through budget setting processes
- d. approval by the executive where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the full council, where the expenditure exceeds this amount
- e. proposals for improvements and alterations to buildings must be approved by the appropriate director
- f. the development and implementation of asset management plans
- g. accountability for each proposal is accepted by a named manager
- h. monitoring of progress in conjunction with expenditure and comparison with approved budget.

### **Responsibilities of the Chief Financial Officer**

- 6.7.100 To prepare capital estimates jointly with directors and the head of paid service and to report them to the executive for approval. The executive will make recommendations on the capital estimates and on any associated financing requirements to the full council. Executive Councillor approval is required where a director proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- 6.7.101 To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates.
- 6.7.102 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.
- 6.7.103 To obtain authorisation from the executive for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount.

### **Responsibilities of directors/assistant directors**

- 6.7.104 To comply with guidance concerning capital schemes and controls issued by the Chief Financial Officer.
- 6.7.105 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Financial Officer.
- 6.7.106 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Chief Financial Officer.

- 6.7.107 To ensure that adequate records are maintained for all capital contracts.
- 6.7.108 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Financial Officer, where required.
- 6.7.109 To prepare and submit reports, jointly with the Chief Financial Officer, to the executive, of any variation in contract costs greater than the approved limits. The executive may meet cost increases of up to 10% by virement from savings elsewhere within the capital programme.
- 6.7.110 To prepare and submit reports, jointly with the Chief Financial Officer, to the executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 6.7.111 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and, if applicable, approval of the scheme through the capital programme.
- 6.7.112 To consult with the Chief Financial Officer and to seek executive approval where the director proposes to use prudential borrowing to support expenditure that has not been included in the current year's capital programme

### **Maintenance of reserves**

- 6.7.113 The local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

### **Key controls**

- 6.7.114 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies.
- 6.7.115 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 6.7.116 Authorisation and expenditure from reserves by the appropriate director/assistant director in consultation with the Chief Financial Officer.

### **Responsibilities of the Chief Financial Officer**

- 6.7.117 To advise the executive and/or the full council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.

## **Responsibilities of directors/assistant directors**

- 6.7.118 To ensure that resources are used only for the purposes for which they were intended.

## *Appendix C Risk Management and Control of Resources*

### **Risk management**

- 6.7.119 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 6.7.120 It is the overall responsibility of the executive to approve the authority's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

### **Key controls**

- 6.7.121 The key controls for risk management are:
- a. procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
  - b. a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
  - c. managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
  - d. provision is made for losses that might result from the risks that remain
  - e. procedures are in place to investigate claims within required timescales
  - f. acceptable levels of risk are determined and insured against where appropriate
  - g. the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

### **Responsibilities of the Chief Financial Officer**

- 6.7.122 To prepare and promote the authority's risk management policy statement.

- 6.7.123 To develop risk management controls in conjunction with other directors.
- 6.7.124 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 6.7.125 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims for losses in consultation with other officers, where necessary.

#### **Responsibilities of directors/assistant directors**

- 6.7.126 To notify the Chief Financial Officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Chief Financial Officer or the authority's insurers.
- 6.7.127 To take responsibility for risk management, having regard to advice from the Chief Financial Officer and other specialist officers (eg crime prevention, fire prevention, health and safety).
- 6.7.128 To ensure that there are regular reviews of risk within their departments, at a minimum annually.
- 6.7.129 To notify the Chief Financial Officer promptly of all significant new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances and to provide information when requested.
- 6.7.130 To consult the Chief Financial Officer and the Head of Legal Practice on the terms of any indemnity that the authority is requested to give.
- 6.7.131 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

#### **Internal controls**

- 6.7.132 The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 6.7.133 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 6.7.134 The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 6.7.135 The system of internal controls is established in order to provide measurable achievement of:
  - a. efficient and effective operations
  - b. reliable financial information and reporting
  - c. compliance with laws and regulations
  - d. risk management.



### **Key controls**

- 6.7.136 The key controls and control objectives for internal control systems are:
- a. key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
  - b. managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
  - c. financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
  - d. an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards (CIPFA, IIA).

### **Responsibilities of the Chief Financial Officer**

- 6.7.137 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of directors/assistant directors**

- 6.7.138 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 6.7.139 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Chief Financial Officer. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 6.7.140 To ensure staff have a clear understanding of the consequences of lack of control.

### **Audit requirements**

## **INTERNAL AUDIT**

6.7.141 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 more specifically require that a “relevant body must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance’.

6.7.142 Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **Key controls**

6.7.143 The key controls for internal audit are:

- a. that it is independent in its planning and operation
- b. the head of internal audit has direct access to the head of paid service, all levels of management and directly to elected members
- c. the internal auditors comply with the Auditing Practices Board’s guideline Public Sector Internal Audit Standards (CIPFA, IIA)

### **Responsibilities of the Chief Financial Officer**

6.7.144 To ensure that internal auditors have the authority to:

- a. access authority premises at reasonable times
- b. access all assets, records, documents, correspondence and control systems
- c. receive any information and explanation considered necessary concerning any matter under consideration
- d. require any employee of the authority to account for cash, stores or any other authority asset under his or her control
- e. access records belonging to third parties, such as contractors, when required
- f. directly access the head of paid service, the executive and audit committee.

6.7.145 To approve the strategic and annual audit plans prepared by the Head of Shared Internal Audit Services which take account of the characteristics and relative risks of the activities involved.

- 6.7.146 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

### **Responsibilities of directors/assistant directors**

- 6.7.147 To ensure that internal auditors are given access at all reasonable times to premises, human resources, documents and assets that the auditors consider necessary for the purposes of their work.
- 6.7.148 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 6.7.149 To consider and respond promptly to recommendations in audit reports.
- 6.7.150 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 6.7.151 To notify the Chief Financial Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 6.7.152 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

### **EXTERNAL AUDIT**

- 6.7.153 The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 6.7.154 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:
- a. the financial aspects of the audited body's corporate governance arrangements
  - b. the audited body's financial statements
  - c. aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP.

- 6.7.155 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

#### **Key controls**

- 6.7.156 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.157 To ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets that the external auditors consider necessary for the purposes of their work.
- 6.7.158 To ensure there is effective liaison between external and internal audit.
- 6.7.159 To work with the external auditor and advise the full council, executive and director on their responsibilities in relation to external audit.

#### **Responsibilities of directors/assistant directors**

- 6.7.160 To ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets which the external auditors consider necessary for the purposes of their work.
- 6.7.161 To ensure that all records and systems are up to date and available for inspection.

#### **Preventing fraud and corruption**

- 6.7.162 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 6.7.163 The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 6.7.164 The authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

#### **Key controls**

- 6.7.165 The key controls regarding the prevention of financial irregularities are that:
- a. the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
  - b. all members and staff act with integrity and lead by example

- c. senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
- d. high standards of conduct are promoted amongst members by the standards committee
- e. the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
- f. whistle blowing procedures are in place and operate effectively
- g. legislation including the Public Interest Disclosure Act 1998 is adhered to.

### **Responsibilities of the Chief Financial Officer**

- 6.7.166 To develop and maintain an anti-fraud and anti-corruption policy.
- 6.7.167 To maintain adequate and effective internal control arrangements.
- 6.7.168 To ensure that all suspected irregularities are reported to the chief internal auditor, the head of paid service, the executive and the audit committee.

### **Responsibilities of directors/assistant directors**

- 6.7.169 To ensure that all suspected irregularities are reported to the Head of Shared Internal Audit Services.
- 6.7.170 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 6.7.171 To ensure that where financial impropriety is discovered, the Chief Financial Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 6.7.172 To maintain a departmental register of interests.

### **Assets**

#### **Security**

- 6.7.173 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

#### **Key controls**

- 6.7.174 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

- a. resources are used only for the purposes of the authority and are properly accounted for
- b. resources are available for use when required
- c. resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
- d. an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
- e. all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- f. all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

#### *Appendix D Financial Systems and Procedures*

##### **General**

6.7.175 Departments have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

6.7.176 The Chief Financial Officer has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

##### **Key controls**

The key controls for systems and procedures are:

- a. basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
- b. performance is communicated to the appropriate managers on an accurate, complete and timely basis
- c. early warning is provided of deviations from target, plans and budgets that require management attention
- d. operating systems and procedures are secure.

### **Responsibilities of the Chief Financial Officer**

- 6.7.177 To make arrangements for the proper administration of the authority's financial affairs, including to:
- a. issue advice, guidance and procedures for officers and others acting on the authority's behalf
  - b. determine the accounting systems, form of accounts and supporting financial records
  - c. establish arrangements for audit of the authority's financial affairs
  - d. approve any new financial systems to be introduced
  - e. approve any changes to be made to existing financial systems.

### **Responsibilities of directors/assistant directors**

- 6.7.178 To ensure that accounting records are properly maintained and held securely.
- 6.7.179 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Financial Officer.
- 6.7.180 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 6.7.181 To incorporate appropriate controls to ensure that, where relevant:
- a. all input is genuine, complete, accurate, timely and not previously processed
  - b. all processing is carried out in an accurate, complete and timely manner
  - c. output from the system is complete, accurate and timely.
- 6.7.182 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 6.7.183 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 6.7.184 To ensure that systems are documented and staff trained in operations.
- 6.7.185 To consult with the Chief Financial Officer before changing any existing system or introducing new systems.
- 6.7.186 To establish a scheme of delegation identifying officers authorised to act upon the director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 6.7.187 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Financial Officer, together with any subsequent variations.

- 6.7.188 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 6.7.189 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 6.7.190 To ensure that relevant standards and guidelines for computer systems issued by the director are observed.
- 6.7.191 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 6.7.192 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- a. only software legally acquired and installed by the authority is used on its computers
  - b. staff are aware of legislative provisions
  - c. in developing systems, due regard is given to the issue of intellectual property rights.

## **Income and expenditure**

### **Income**

- 6.7.193 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cashflow and also avoids the time and cost of administering debts.

### **Key controls**

- 6.7.194 The key controls for income are:
- a. all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed
  - b. all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery



- c. all money received by an employee on behalf of the authority is paid without delay to the Chief Financial Officer or, as he or she directs, to the authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that for identifying the amount due and from that for reconciling the amount due to the amount received
- d. effective action is taken to pursue non-payment within defined timescales
- e. formal approval for debt write-off is obtained
- f. appropriate write-off action is taken within defined timescales
- g. appropriate accounting adjustments are made following write-off action
- h. all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
- i. money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.195 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 6.7.196 To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 6.7.197 To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums to the executive.
- 6.7.198 To approve all debts to be written off in consultation with the relevant director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2015 more specifically require that a "relevant body must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance".
- 6.7.199 To obtain the approval of the executive in consultation with the relevant director for writing off debts in excess of the approved limit.
- 6.7.200 To ensure that appropriate accounting adjustments are made following write-off action.

#### **Responsibilities of directors/assistant directors**

- 6.7.201 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 6.7.202 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

- 6.7.203 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 6.7.204 To issue official receipts or to maintain other documentation for income collection.
- 6.7.205 To ensure wherever practical that at least two employees are present when post is opened at a site where income is regularly received so that money received by post is properly identified and recorded.
- 6.7.206 To hold securely receipts, tickets and other records of income for the appropriate period.
- 6.7.207 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 6.7.208 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to a permanent record to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 6.7.209 To ensure income is not used to cash personal cheques or make other payments.
- 6.7.210 To supply the Chief Financial Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Financial Officer to record correctly the sums due to the authority and to ensure accounts are sent out promptly. To do this, directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Chief Financial Officer. Directors have a responsibility to assist the Chief Financial Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf. Only sums of cash up to approved levels can be held on the premises.
- 6.7.211 To keep a record of every transfer of money between employees of the authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 6.7.212 To recommend to the Chief Financial Officer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt or a waiver or reduction in charges.
- 6.7.213 To obtain the approval of the Chief Financial Officer when writing off debts and the approval of the executive where required.
- 6.7.214 To notify the Chief Financial Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer and not later than 30 April.

## **Ordering and paying for work, goods and services**

6.7.215 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's code of practice on tenders and contracts.

### **General**

6.7.216 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.

6.7.217 Official orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Financial Officer.

6.7.218 Each order must conform to the guidelines approved by the full council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.

6.7.219 Apart from petty cash and other payments from advance accounts, the normal method of payment from the authority shall be by cheque or other instrument or approved method, drawn on the authority's bank account account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.

6.7.220 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts. Neither may orders for goods or services for private or personal use be placed using the Council's internet facilities.

### **Key controls**

6.7.221 The key controls for ordering and paying for work, goods and services are:

- a. all goods and services are ordered only by appropriate persons and are correctly recorded
- b. all goods and services shall be ordered in accordance with the authority's code of practice for tenders and contracts unless they are purchased from sources within the authority

- c. goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order
- d. payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards
- e. all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- f. all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- g. all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- h. in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.222 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 6.7.223 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 6.7.224 To approve the form of official orders and associated terms and conditions.
- 6.7.225 To make payments from the authority's funds on the director's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 6.7.226 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 6.7.227 To make payments to contractors on the certificate of the appropriate director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 6.7.228 To provide advice and encouragement on making payments by the most economical means.
- 6.7.229 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

#### **Responsibilities of directors/assistant directors**

- 6.7.230 To ensure that numbered official orders are used for all goods and services, other than the exceptions specified in 4.43.

- 6.7.231 To ensure that orders are only used for goods and services provided to the relevant department. Individuals must not use official orders to obtain goods or services for their private use. Neither may staff place orders for goods or services for their personal use using the Council's internet facilities.
- 6.7.232 To ensure that only those staff authorised by him or her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- 6.7.233 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 6.7.234 To ensure that payment is not made unless a proper invoice has been received, checked, coded and certified for payment, confirming:
- a. receipt of goods or services
  - b. that the invoice has not previously been paid
  - c. that expenditure has been properly incurred and is within budget provision
  - d. that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
  - e. correct accounting treatment of tax eg. VAT
  - f. that the invoice is correctly coded
  - g. that discounts have been taken where available
- (h) that appropriate entries will be made in accounting records.
- 6.7.235 4.61 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- 6.7.236 4.62 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Financial Officer.

- 6.7.237 To ensure that payments are not made on a photocopied invoice, statement or other document other than the formal invoice. Any instances of these being rendered where this gives cause for concern should be reported to the Head of Shared Internal Audit Service. In exceptional circumstances, where payment is made against such a document, the transaction must be processssed in accordance with guidance issued by the Chief Financial Officer.
- 6.7.238 To encourage suppliers of goods and services to receive payment by the most economical means for the authority. It is essential, however, that payments made by direct debit have the prior approval of the Chief Financial Officer.
- 6.7.239 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, having regard to any best practice guidelines issued by the Chief Financial Officer, which are in line with best value principles and contained in the authority's code of practice for tenders and contracts.
- 6.7.240 To utilise the central purchasing procedures established by the Chief Financial Officer in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the code of practice on tenders and contracts and will cover:
- a. authorised officers and the extent of their authority
  - b. advertisement for tenders
  - c. procedure for creating, maintaining and revising a standard list of contractors
  - d. selection of tenderers
  - e. compliance with UK and EC legislation and regulations
  - f. procedures for the submission, receipt, opening and recording of tenders
  - g. the circumstances where financial or technical evaluation is necessary
  - h. procedures for negotiation
  - i. acceptance of tenders
  - j. the form of contract documentation
  - k. cancellation clauses in the event of corruption or bribery
  - l. contract records.
- 6.7.241 To ensure that employees are aware of the national code of conduct for local government employees (set out in Part 5 of the Constitution).

- 6.7.242 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Financial Officer. This is because of the potential impact on the authority's borrowing powers, to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 6.7.243 To notify the Chief Financial Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer.
- 6.7.244 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Chief Financial Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 6.7.245 To notify the Chief Financial Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 6.7.246 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

### **Payments to employees and members**

- 6.7.247 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the full council.

### **Key controls**

- 6.7.248 The key controls for payments to employees and members are:
- a. proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
    - a. starters
    - b. leavers
    - c. variations
    - d. enhancements
  - b. and that payments are made on the basis of employment contracts, timesheets or claims
  - c. frequent reconciliation of payroll expenditure against approved budget and bank account

- d. all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- e. that Inland Revenue regulations are complied with.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.249 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- 6.7.250 To record and make arrangements for the accurate and timely payment of tax, pension contributions and other deductions.
- 6.7.251 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- 6.7.252 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 6.7.253 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 6.7.254 To ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.

#### **Responsibilities of directors/assistant directors**

- 6.7.255 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 6.7.256 To notify the Chief Financial Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Chief Financial Officer.
- 6.7.257 To ensure that adequate and effective systems and procedures are operated, so that:
  - payments are only authorised to bona fide employees
  - payments are only made where there is a valid entitlement
  - conditions and contracts of employment are correctly applied
  - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 6.7.258 To send an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures. The payroll provider should have signatures of Human Resources officers and officers authorised to sign timesheets and claims.



- 6.7.259 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue & Customs (HMRC) applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Chief Financial Officer.
- 6.7.260 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Financial Officer is informed where appropriate.
- 6.7.261 To ensure that the Chief Financial Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 6.7.262 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

### **Responsibilities of members**

- 6.7.263 To submit claims for members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

### **Taxation**

- 6.7.264 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

### **Key controls**

- 6.7.265 The key controls for taxation are:
- a. budget managers are provided with relevant information and kept up to date on tax issues
  - b. budget managers are instructed on required record keeping
  - c. all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
  - d. records are maintained in accordance with instructions
  - e. returns are made to the appropriate authorities within the stipulated timescale.

### **Responsibilities of the Chief Financial Officer**

- 6.7.266 To complete all HM Revenue & Customs (HMRC) returns regarding PAYE.

- 6.7.267 To complete VAT returns and annual Partial Exemption calculations in accordance with HM Revenue & Customs (HMRC) timescales.
- 6.7.268 To provide details to the HM Revenue & Customs (HMRC) regarding the construction industry tax deduction scheme.
- 6.7.269 To maintain up-to-date guidance for authority employees on taxation issues.

#### **Responsibilities of directors/assistant directors**

- 6.7.270 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue & Customs (HMRC) regulations.
- 6.7.271 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 6.7.272 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 6.7.273 To follow the guidance on taxation issued by the Chief Financial Officer in the authority's accounting guides and VAT guide.

#### **Trading accounts and business units**

- 6.7.274 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also disclosure in performance reports and the Statement of Accounts.

#### **Responsibilities of the Chief Financial Officer**

- 6.7.275 To advise on the establishment and operation of trading accounts and business units.

#### **Responsibilities of directors/assistant directors**

- 6.7.276 To consult with the Chief Financial Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- 6.7.277 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

- 6.7.278 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- 6.7.279 To ensure that each business unit prepares an annual business plan.

## *Appendix E External Arrangements*

### **Partnerships**

- 6.7.280 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 6.7.281 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

### **General**

- 6.7.282 The main reasons for entering into a partnership are:
- a. the desire to find new ways to share risk
  - b. the ability to access new resources
  - c. to provide new and better ways of delivering services
  - d. to forge new relationships.
- 6.7.283 A partner is defined as either:
- a. an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
- or
- b. a body whose nature or status give it a right or obligation to support the project.
- 6.7.284 Partners participate in projects by:
- a. acting as a project deliverer or sponsor, solely or in concert with others
  - b. acting as a project funder or part funder
  - c. being the beneficiary group of the activity undertaken in a project.
- 6.7.285 Partners have common responsibilities:

- a. to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
- b. to act in good faith at all times and in the best interests of the partnership's aims and objectives
- c. be open about any conflict of interests that might arise
- d. to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
- e. to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
- f. to act wherever possible as ambassadors for the project.

### **Key controls**

6.7.286 The key controls for authority partners are:

- a. if appropriate, to be aware of their responsibilities under the authority's financial regulations and the code of practice on tenders and contracts
- b. to ensure that risk management processes are in place to identify and assess all known risks
- c. to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- d. to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- e. to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

### **Responsibilities of the Chief Financial Officer**

6.7.287 To advise on effective controls that will ensure that resources are not wasted.

6.7.288 To advise on the key elements of funding a project. They include:

- a. a scheme appraisal for financial viability in both the current and future years
- b. risk appraisal and management
- c. resourcing, including taxation issues
- d. audit, security and control requirements
- e. carry-forward arrangements.

6.7.289 To ensure that the accounting arrangements are satisfactory.

### **Responsibilities of directors/assistant director**

- 6.7.290 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Financial Officer.
- 6.7.291 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Chief Financial Officer.
- 6.7.292 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.
- 6.7.293 To ensure that all agreements and arrangements are properly documented.
- 6.7.294 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the authority's statement of accounts concerning material items.

### **External funding**

- 6.7.295 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

### **Key controls**

- 6.7.296 The key controls for external funding are:
- a. to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
  - b. to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full council
  - c. to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

### **Responsibilities of the Chief Financial Officer**

- 6.7.297 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 6.7.298 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

6.7.299 To ensure that audit requirements are met.

**Responsibilities of directors/assistant directors**

6.7.300 To ensure that all claims for funds are made by the due date.

6.7.301 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

**Work for third parties**

6.7.302 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

**Key controls**

6.7.303 The key controls for working with third parties are:

- a. to ensure that proposals are costed properly in accordance with guidance provided by the Chief Financial Officer
- b. to ensure that contracts are drawn up using guidance provided by the Chief Financial Officer and that the formal approvals process is adhered to
- c. to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

**Responsibilities of Chief Financial Officer**

6.7.304 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

**Responsibilities of directors/assistant directors**

6.7.305 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.

6.7.306 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Financial Officer.

6.7.307 To ensure that appropriate insurance arrangements are made, as advised by the Chief Financial Officer.

6.7.308 To ensure that the authority is not put at risk from any bad debts.

6.7.309 To ensure that no contract is subsidised by the authority.

6.7.310 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

6.7.311 To ensure that the department/unit has the appropriate expertise to undertake the contract.

- 6.7.312 To ensure that such contracts do not impact adversely upon the services provided for the authority.
- 6.7.313 To ensure that all contracts are properly documented.
- 6.7.314 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the statement of accounts.

## **Section 7 – Contract Procedure Rules: Code for Income and Expenditure Contracts**

Please note – these have not been updated as part of this project, but will seek to be updated in December 2025.

### ***Using these Procedures –***

***Section 1 details the legal reasons for this document and requirement imposed upon us by law. Section 2 explains the processes to be followed when carrying out a procurement process.***

***Section 3 details if, when and how these rules can be deviated from.***

### **7.1. Contract Procedure Rules**

#### ***Introduction (Legal & Council Requirements)***

- 7.1.1. The Local Government Act 1972 section 135 requires the Council to have standing orders for how it enters into contracts. These Contract Procedure Rules (“Rules”) are the standing orders required by the 1972 Act. They form part of the Council's Constitution and are, in effect, the instructions of the Council, to officers and elected members, for entering into contracts on behalf of the Council.
- 7.1.2. These Rules govern ALL purchases of works, goods and services across the whole Council; they cover UK and EU legislative requirements as well as good practice. Should there be any discrepancies between these Rules and legislation, legislation is the dominant authority and MUST be followed. A list of current legislation, that supports these Rules, is attached in appendix 4.
- 7.1.3. All Council procurements MUST demonstrate; true and fair competition, public accountability, an open, fair and transparent process, seek to prevent bribery and corruption, whilst ensuring probity. All procurements MUST demonstrate a full audit trail.
- 7.1.4. Following the Contract Procedure Rules will also help to ensure that the Council obtains best value when it buys works, goods or services.
- 7.1.5. These Contract Procedure Rules are to protect the interests of the Council, its officers and elected Members and the public.

#### ***Application & Scope of Rules (Legal & Council Requirements)***

- 7.1.6. These Rules DO apply to:

- all contracts for the supply of works, goods or services (including consultancy) to the Council, regardless of value; and
- partnership and collaborative arrangements with other public bodies; and
- concession contracts.

7.1.7. They DO NOT apply to:

- contracts for the purchase or sale of any interest in land, (including leasehold interests);
- contracts of employment for the appointment of individual members of staff, including members of staff sourced through employment agencies under a corporate contract;
- sponsorship agreements;
- supply of works, goods and services by the council or one of its public sector partners. However, the Head of Legal Practice and Strategic Procurement must be consulted where the Council is contemplating this route.

*Compliance (Legal & Council Requirements)*

7.1.8. ALL CONTRACTS, (as defined by 1.2.1) on behalf of the Council, must comply with:

- these Contract Procedure Rules;
- the Council's Financial Regulations; and
- all relevant UK and EU legislation.

7.1.9. Each Director/Assistant Director is responsible for ensuring that his/her department complies with these Contract Procedure Rules, the Financial Regulations and ALL applicable legislation. They MUST ensure that procurement requirements are appropriately planned, reported, monitored and awarded. They may delegate the practical elements of the processes to competent personnel within their departments, who are then equally responsible for ensuring these Rules are adhered to.

7.1.10. All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council MUST comply with these Contract Procedure Rules. Attention is drawn to the Council's Code of Conduct and Disciplinary Policy.

7.1.11. NON-COMPLIANCE WITH THESE RULES MAY CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION.

7.1.12. ALL Council spend MUST have a valid purchase order raised and approved in the Council's Financial Management System BEFORE delivery of the works, goods or services commence; where the value of spend ALSO requires a formal contract, work must not begin until the contract document has been appropriately completed



by both parties, see appendix 1. Any deviations from this process must be approved and signed-off by the appropriate Director, BEFORE commencement.

#### *Conflicts of Interest (Council Requirements)*

7.1.13. All members of staff must avoid any conflict between their own interests and the interests of the Council as detailed in the Council's Code of Conduct, this includes: but is not limited to

- not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;
- not working for, or having a pecuniary shareholding in organisations or suppliers that the Council has dealings with;
- notifying the Head of Legal Practice and relevant Director if an officer has links with (e.g. they previously worked for, or a family member or close friend works for) an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council.

7.1.14. All consultants engaged to act on behalf of the Council must declare that:

- they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council; and
- they will notify the relevant Director if they have any links with (e.g. a family member or close friend works for) an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council.
- if an elected Member of the Council or a member of staff has an interest, financial or otherwise, in a contract or proposed contract, he/she must declare it in writing to the Director as soon as he/she becomes aware of the interest. An elected Member or member of staff who has an interest in a contract must not take part in the procurement or management of that Contract.

7.1.15. A shareholding in a body not exceeding a total nominal value of £1000 or 1% of the nominal value of the issued share capital (whichever is less) is not a pecuniary interest (1.4.1) for the purpose of this Rule.

7.1.16. The Chief Executive must maintain a record of all declarations of interest notified by elected Members and officers.

#### *Prevention of Bribery and Corruption (Legal Requirements)*

7.1.17. Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge):

- offers or promises, or gives a financial, or other advantage, to any elected Member of the Council, any member of staff or any consultant in connection with the contract; or
  - requests, agrees to receive or accepts a financial or other advantage so that some action in relation to the contract is performed improperly; and
  - a declaration to this effect must be included in the Invitation to Tender (ITT).
- 7.1.18. Any elected Member of the Council, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts referred to in 1.5.1 , must report that to the Monitoring Officer and the Head of Internal Audit immediately.

#### *Pre-Procurement Requirements (Council Requirements)*

*(To be read in conjunction with the Council's Financial Regulations and the Constitution.)*

- 7.1.19. As part of the Council's scrutiny process, officers and Directors/Assistant Directors are required to obtain the necessary approvals BEFORE commencing a procurement process. (The values stated are accumulated spends over the life of the contract.) These approvals vary according to value and whether the procurement is considered a Key Decision.
- 7.1.20. A Key Decision (for procurement) is a requirement to seek authority to procure (and delegated authority to award) from the appropriate scrutiny committee, it applies where:
- The spend is over £1,000,000;
  - There is a proposed change to the strategic procurement processes.

The principles apply as follows.

#### **7.1.21. Capital Projects**

All Capital projects (over £15,000) seeking funding, MUST first bid for funding as part of the budget setting cycle and then submit a report to the Capital Programme Board for approval to proceed. Officers are required to detail the proposed procurement strategy as part of the funding bid, such that the budget application requests funding allocation, approval to procure and delegated authority to award.

#### **7.1.22. Revenue Spend under £1,000,000 (Non Key Decision)**

Cyclical requirements and 'business as usual' expenditure, under £1,000,000 can be procured and awarded subject to the budget having been approved, compliance with these procedures and the appropriate delegation of authority to award.

#### **7.1.23. Revenue Spend over £1,000,000 – statutory obligations (Non Key Decision)**

Where the expenditure relates to the Council delivering against statutory obligations, subject to the budget having been approved, no additional reporting is

required. This must be advised as part of the budget setting cycle and is subject to compliance with these procedures and the appropriate delegation of authority to award.

**7.1.24. Revenue Spend over £1,000,000 – (Key Decision)**

Requirements and expenditure funded from the annual budgets, that exceed £1,000,000, MUST submit a report to the appropriate scrutiny committee to seek approval to procure and delegated authority to the appropriate Strategic Director, to award.

**7.1.25. Corporate Contracts over £1,000,000 – (Key Decision)**

Where a contract is to be established for corporate use and no specific budgetary or capital approval process has been carried out, the project/ contract manager is required to present a report to scrutiny committee to approve the procurement and award of a corporate strategy.

7.1.26. Members may request a committee report on any project, not otherwise required to submit a report, where it is deemed of high public or political interest or significant risk to the Council. This requirement is to be identified as part of the budget setting cycle (Non-Key Decisions).

7.1.27. Where a requirement for approval arises outside of the budgeting or committee cycle, the officer may request an urgent decision where:

- waiting for the next committee cycle puts funding at risk;
- there are health and safety considerations;
- it is in the best interest of the community to proceed with urgency;
- the Strategic Director responsible believes there is another justifiable reason;

this must be managed in accordance with the Council's processes.

7.1.28. All Key Decisions MUST be entered onto the Forward Plan in accordance with Council processes.

7.1.29. Evidence of the relevant approval to procure and award must be provided before the procurement process can be commenced and again before the contract can be awarded.

*Duties and Powers of Delegation (Council Requirements)*

7.1.30. Where a procurement is deemed a Key Decision, approval to procure is required from the appropriate scrutiny committee; this approval to include delegated authority, to the Strategic Director, to award the contract, subject to compliance with these procedures and the proposed contract award value being within a 10% tolerance of the approved budget

- 7.1.31. Where the proposed contract award is greater than the approved and available budget, the officer is required to submit a report to the appropriate scrutiny committee to seek additional funding.
- 7.1.32. Where the procurement is not a Key Decision, under the scheme of delegation, Directors/Assistant Directors have the authority to delegate to their deputies, the ability to procure, subject to a budget having been approved; they also have delegated authority to award the contract as per **Error! Reference source not found.**
- 7.1.33. Where the value of the contract is level three and below (see appendix 1), this power of delegation includes the ability for the Director/Assistant Director to delegate to their deputies, the ability to award the contract subject to compliance with these procedures.
- 7.1.34. Both the Director/Assistant Director and their deputies have the authority to delegate the practical delivery of the procurement process to any officer deemed suitably competent in the given discipline; however responsibility for compliance with these procedures is the joint responsibility of the project manager, the relevant Director/Assistant Director or their deputy and Strategic Director accordingly.

#### *Separation of Duties (Council requirement)*

- 7.1.35. A contract or purchase order cannot be raised or recommended and then approved by the same person.
- 7.1.36. The Council requires that the procurement process and any resultant awards are authorised by separate officers; most usually by the officer's line manager.
- 7.1.37. Where a Director/Assistant Director manages the practical element of a procurement process, completes a deviation form or makes another recommendation, the award must be agreed by either another Director/Assistant Director.

#### *Creating a Contract (Council & Legal Requirements)*

- 7.1.38. The Council requires ALL expenditure at level 2 (see appendix 1) or above to be placed against a formal and legally binding contract and supported by a purchase order to enable payment. The Council has a policy of - no purchase order no payment.
- 7.1.39. A contract is a defined set of requirements, TERMS & CONDITIONS, specified by the Council, regarding how both parties will engage during the contract period.
- 7.1.40. A contract requires:
- OFFER – the tender submitted by the supplier; and
  - ACCEPTANCE – confirmation by the Council that it wishes the supplier to do as offered;

- CONSIDERATION – a valid and legal benefit exists from the contract; e.g. payment for a service or goods.

7.1.41. The Contract MUST state:

- duration – length of agreement plus any available extensions;
- value – a fixed sum, schedule of rates or estimate spend over the duration of the contract and any extensions;
- the contract parties – those between who the contract applies; (If a framework, the Framework Agreement will list all eligible parties); and
- change process – variations and extensions.

7.1.42. Each party to the contract acquires rights and duties – failure by either party to fulfil their duties set out in the contract may constitute a breach of contract.

7.1.43. The Council holds standard contract templates for level 3 (see appendix 1) and below expenditure; these are to be used unless expressly agreed otherwise by Legal and Procurement.

7.1.44. All contracts for Level 4 (see appendix 1) and above must be agreed by Legal BEFORE issuing tender documentation.

7.1.45. The Council requires ALL construction contracts to use industry standard forms, with minimal amendments, unless expressly agreed otherwise by Legal, Procurement and the relevant Director/Assistant Director.

7.1.46. The Council WILL NOT accept amendments to the proposed Council terms and conditions nor sign a supplier's terms and conditions of business, unless pre-agreed with Legal, Procurement and the relevant Director/Assistant Director prior to the procurement commencing.

7.1.47. ALL contracts must be collated and signed (or executed), by the appropriate person (see Appendix 1), BEFORE commencement, unless expressly agreed by Legal, Procurement and the relevant Director/Assistant Director.

*Calculating the Contract Value (Legal & Council Requirements)*

7.1.48. The value of the contract is the TOTAL amount the Council, as a whole, plans or might spend over the whole duration of the contract (including extensions) on a given requirement. The total is ALL and ANY spend with the supplier, for the specific requirement/ scope of works, regardless of the department or individual initiating the purchase. A contract value should be calculated as follows:

- a lump sum contract – this is a one-off, capital project, only used by one person/ department – the value is the total budget available (including any contingency);
- a periodic contract – this is where there is an annual, regular, potentially on-going requirement, by either one or all departments – the contract value is the

potential annual spend (across the whole Council) multiplied by the number of years the contract is to run (including any extension). Often managed through initiating a framework or establishing a term (schedule of rates) contract.

- 7.1.49. Where a contract is designed to be utilised by multiple authorities, the value must reflect the total potential spend, across all participants, for the whole duration; this should be listed as a price range in the relevant advertisements. It is advisable to include some contingency.
- 7.1.50. The contract needs to reflect any known and reasonably foreseeable requirements over the next few years; the duration is to be decided based on achieving economy of scale, commerciality of the requirements, best value and applicability; considering criteria such as whole-life-cycle, so as to address the life span of any equipment and capital write-off costs etc.
- 7.1.51. The Council **MUST NOT** disaggregate or sub-divide like or similar works by procuring multiple, smaller or shorter contracts. This includes not segregating any requirements by department or reducing the contract duration, so as to reduce the contract value, in order that it avoids the requirement to follow a specified procurement level's advertising or process requirements. Where there is a commercial benefit to have multiple suppliers for a given requirement, this should usually be procured as a compliant, corporate framework.
- 7.1.52. Spend thresholds will be monitored against each supplier with whom the Council spends money; where a supplier provides multiple services which could reasonably be procured as separate contracts, staff are required to clearly identify on every purchase order to which contract the spend is to be attributed.
- 7.1.53. The Council encourages the use of corporate contracts by way of term contracts, Framework Agreements and dynamic purchasing systems (see 1.14.5). Particularly where there are interrelated services that can be delivered by multi-disciplinary suppliers so as to achieve potential savings and quality benefits. In these instances the contract value is across all disciplines and lots, across the whole duration and all authorities participating in the contract.

#### *Market Research (Council & Legal Requirements)*

- 7.1.54. The Council encourages the use of a 'Request for Information' process, market research and benchmarking, prior to defining the specification requirements for the contract.
- 7.1.55. Such research **MUST NOT** create an anti-competitive environment, be positively or negatively discriminatory to any potential bidders or use any specific, exact information or advice from a company, to write the specification or contract, where they have a commercial interest in the contract.

### *Choice of Procedure (Legal Requirements)*

7.1.56. The following terminologies are used to describe EU compliant procurement processes; however, the principles can be applied to below EU threshold processes.

- Open tenders – all tender information, specifically the Invitation to Tender (ITT) is published at one time (tender pack) and any interested supplier can submit a tender, subject to meeting minimum specified standards;
- Competitive with negotiation – this route includes multiple ITT steps allowing the negotiation of specific requirements. The elements subject to negotiation and the shortlisting process need to be clearly identified from the beginning as part of the tender pack;
- Design competition – this route follows an open tender process but with a less defined specification. It must be scored by appropriate persons in a neutralised format, to ensure fair competition, based on design only.
- Concession Contracts – this is where there is an operating risk, that includes real exposure to uncertainty and where the risk is not nominal or marginal, and there is a real risk of making a financial loss e.g. the management of a café within a council building. (this procurement has different EU thresholds)

7.1.57. The following is usually only used for above the EU threshold procurements

- Competitive Dialogue – this is for when the ideal solution cannot be readily identified and ideas and input from the market are sought to aid in identifying a suitable solution. This route usually includes multiple short listing stages, meetings and information sharing before a final solution and price is agreed with a single supplier;

7.1.58. The Council supports the use of any of the above, but they **MUST** be managed in compliance with current regulations.

### *Corporate Contracts (Council requirements)*

7.1.59. The Council has adopted a strategy of using corporate contracts to deliver common, regular, routine, group-able requirements; this is designed to ensure compliance with legislation, achieve economy of scales and standardise performance and quality, whilst facilitating the ability to build relationships and effective contract management.

7.1.60. Where the Council has routine spend associated with the practical delivery of Council services, e.g. stationery, utilities, printing, etc., these are to be consolidated into single corporate contracts, managed by an agreed department, in the best interests of the whole Council.

- 7.1.61. Where there are commonalities of requirements across the Council, e.g. technical consultants, training etc., these are to be aggregated into either a Framework Agreement or a DPS (see 1.14). These will be procured and monitored by Procurement, facilitated by working groups to include representatives from all departments.
- 7.1.62. A corporate contract is one which is designed to be used by everyone in the Council with no one service having the monopoly of use or design.
- 7.1.63. In contrast, a collaborative contract is one commissioned by a single department, specifically designed to meet a particular requirement, but accessible to others parts of the Council if beneficial.
- 7.1.64. Where the Council holds a corporate contract, this contract **MUST** be used unless expressly agreed by Procurement, the Director/Assistant Director and if required by procurement (due to risk or value), the appropriate Director.
- 7.1.65. When procuring a corporate contract, managed by a centralised resource, without a specific, identifiable budget, the procurement must be approved by way of a Key Decision approval process as detailed.

*Corporate Frameworks Agreements and Dynamic Purchasing Systems (DPS) (Council & Legal requirements)*

- 7.1.66. The Council wishes to balance consolidating spend, supporting smaller businesses and the local economy; the preferred way by which to achieve this, and legislative compliance, is through the use of Framework Agreements and Dynamic Purchasing Systems, with various Lots.
- 7.1.67. A Lot is the segregation or grouping of a specific requirement, targeted at a particular sector of the market, so as to enable direct contracting and supporting opportunities for smaller businesses to engage with the Council.
- 7.1.68. A Framework Agreement enables multiple suppliers, across one or multiple Lots (disciplines, trades, services, specific requirements), to be pre-approved for quality, and a maximum price, for use as and when a need arises.
- 7.1.69. A Framework Agreement is a fixed list of suppliers, for up to a maximum of four years. A Framework Agreement cannot be extended beyond 4 years.
- 7.1.70. The duration of an award under the Framework Agreement (the call-off), may extend past the framework end date, where the Framework Agreement or DPS expressly allows and defines this.
- 7.1.71. A DPS enables the creation of an approved list of multiple suppliers, across multiple Lots (disciplines, trades, services, specific requirements) to be pre-approved based on a predefined list of minimum skills, experience and specification requirements.



- 7.1.72. A DPS is a flexible list which includes a refresh cycle enabling new suppliers to join the arrangement throughout the life of the contract.
- 7.1.73. The value of a Framework Agreement or DPS is the total potential spends, across all lots, all suppliers, all users and the entire life of the arrangement.
- 7.1.74. Framework Agreements and DPSs procured by the Council may include access for our partnering authorities (and in some cases, other public bodies; in the case of other public bodies, they may be required to complete an access agreement should they wish to use the Framework Agreement).
- 7.1.75. The terms and conditions of participation in and use of the Framework Agreement or DPS must be clearly set out as part of the tender documents.
- 7.1.76. A Framework Agreement or DPS is designed to be flexible and does not guarantee selected suppliers any work or a minimum level of work.
- 7.1.77. Use of the Framework Agreement must be by way of a transparent, clearly defined process, specifically:
- a mini competition where all listed companies are invited; or
  - a direct draw-down based on a specific consideration e.g. location, tendered prices, specification requirements/ services etc.; or
  - on a rotation basis.
- 7.1.78. Use of the DPS must be by way of a transparent, clearly defined mini tendering process.
- 7.1.79. When applying the principles of mini-competition to a Framework Agreement or DPS, ALL suppliers accepted onto the arrangement (for the relevant Lot), MUST be invited to tender every time there is a requirement. The specification and requirements being refined and stated at this point.
- 7.1.80. ALL mini competitions MUST be carried out electronically using the Council's e-tendering portal.
- 7.1.81. A record of each contract awarded under the Framework Agreement must be entered onto the electronic Contract Register.

#### *Advertising (Legal Requirements)*

- 7.1.82. The Council is required by law to advertise ALL contract opportunities at level 3 and above on the Central Government Portal. (See appendix 1).
- 7.1.83. The Council will comply with this requirement through the use of an automated, interactive e-tendering system. (See appendix 3).
- 7.1.84. The Council is required to advertise all contracts over the EU threshold in the Official Journal of the Europe Union (OJEU process).

7.1.85. Where there is a genuine urgency, the Public Contract Regulation includes a provision to reduce the period of advertisement; this must be with the approval of procurement and the Strategic Director. Examples of such urgency include Health and Safety or Environmental risks.

*Electronic Tendering (Council & Legal requirements)*

7.1.86. The Council is required to advertise and manage all level 3 (see appendix 1) and above procurements electronically.

7.1.87. The Council has contracted with a third party for this service in partnership with our neighbouring Councils. (See Appendix 3).

7.1.88. The Council WILL, through the procuring officers:

- advertise ALL opportunities, in accordance with Appendix 1;
- will provide the appropriate amount of time to respond, based on the procurement level, (see appendix 2);
- issue ALL tender information via the portal;
- manage ALL questions through the portal, ensuring all information is made public (except where commercially sensitive or subject to the Data Protection Act);
- only accept tenders correctly returned via the portal;
- only accept on-time tenders (unless expressly agreed otherwise by Procurement, Legal, Audit and the relevant Director/Assistant Director.

Deviation from these requirements must be with the express approval of procurement and audit, and where necessary, the Strategic Director.

7.1.89. Following the closing of the tender period, the seal MUST be removed as follows:

- by the procuring officer for procurements that are level 3 (see appendix 1) and below;
- by the Procurement team where the procurement is level 4 (see appendix 1) and above.

7.1.90. Following release of tenders:

- ALL ON-TIME tenders can be accepted and released for download immediately;
- ALL LATE returns can only be accepted and released by Procurement. On identifying that the returns include a late submission, please contact Procurement immediately.

7.1.91. All post tender clarifications MUST be via the portal.

7.1.92. ALL successful and unsuccessful award notifications MUST be via the portal.

7.1.93. A copy of the Tender Report MUST be added to the award step on the portal.

#### *Electronic Contract Register (Legal Requirements)*

7.1.94. The Council is required to publish ALL CONTRACTs over £5,000 on an electronic Contract Register. This will be provided as part of the e-tendering package.

7.1.95. A Contract Register is a list of all contracts previously let by the council. It should include the relevant contract name, various contract dates, estimated value and all supporting documents and reports.

7.1.96. Procurements at level 2 (see appendix 1) are to be added manually to the register where the procurement was not facilitated by the e-tendering system.

7.1.97. All procurements managed through the e-tendering portal will be imported on to the Contract Register following the award step of the procurement exercise.

7.1.98. Any contract variations are to be added to and appropriately amended on the Contract Register manually.

7.1.99. All procurement related advice and supporting documentation to be added to the Contract Register manually where not available for direct import.

7.1.100. All information added to the Contract Register is to be consistent with the requirements of the Data Protection Act and the Council's retention policy.

#### *Purchase Cards (Council Requirements)*

7.1.101. The Council operates a purchase card facility; these are available, with the approval of the Director/Assistant Director and Finance.

7.1.102. Purchase cards are to be used for low value or one-off incidental spend where it is not efficient to add the suppliers to the Finance Management System

7.1.103. Purchase cards MUST NOT be used to bypass corporate contracts without the express permission of the corporate contract manager and procurement.

7.1.104. The principle of disaggregation applies to spend on purchase cards both in relation to the individual and the Council as a whole.

#### *High Risk Contracts (Council Requirements)*

7.1.105. The Council defines a high risk contract as where ANY of the following apply to the contract:

- has a value over £1,000,000;
- involves leasing arrangements;
- may require the supplier to hold money on behalf of the Council;
- may include an advance payment requirement;
- appertains to software or licences;

- is for a duration over 5 years;
- is considered commercially sensitive; such as representing a significant change to income or costs to the council;
- includes significant, additional Contractual requirements or risks such as; TUPE, Intellectual Property Rights, collateral warranties for design considerations, etc.
- is of significant interest to residents due to investment, desirability, disruption etc.

7.1.106. Where a leasing arrangement is being considered, approval from Finance and legal is required before entering into any agreement. Leasing includes property, vehicles and equipment etc.

7.1.107. Where a contract is considered high risk, officers are required to carry out a risk assessment and to liaise with Procurement, Legal and Audit, regardless of value, to ensure all appropriate actions are taken to mitigate the Council of the identified risks.

#### *Risk Assessments (Council Requirements)*

7.1.108. Officers are required to complete a risk assessment on all procurements that are deemed high risk or over the EU threshold.

7.1.109. Officers should use the Council's standard templates and liaise with Audit to complete and add these to the corporate risk register.

#### *Bonds & Parent Company Guarantees (Council Requirements)*

7.1.110. The requirement for a bond or parent company guarantee (and its value) is at the discretion of the relevant Director/Assistant Director.

7.1.111. Where the project is deemed as a high risk for service failure (likelihood and/ or impacts), advice should be sought from Procurement, Finance and Audit so as to consider the benefits versus the costs of requiring a bond.

7.1.112. Where a bond or parent company guarantee is deemed necessary – this should be in a form acceptable to the council.

#### *Grant Funding paid or received by the Council (Legal Requirements)*

7.1.113. A grant is a gratuitous payment of monies for which there is no consideration.

7.1.114. ALL Grant Agreements paid to third parties must be executed as a deed; or signed under hand where appropriate by delegated authority to the Director.

7.1.115. The spending of a grant, received by the Council from a third party, is subject to these procedures and the conditions of the grant.

7.1.116. A grant payment by the Council to another organisation is NOT subject to the Council's procurement procedures.

- 7.1.117. Where a grant is received, officers are required to inform legal of the grant conditions to ensure that the requirements are consistent with the contract with the supplier.
- 7.1.118. Where a grant is paid by the Council, officers are required to ensure all conditions have been met before any payments are made.
- 7.1.119. Officers are required to ensure that any funding requirements have been completed satisfactorily before entering into any contractual commitments with suppliers, in respect of grants received from a third party.

#### *Authority to Award (Council Requirements)*

- 7.1.120. A contract can only be awarded by those with delegated authority to do so. See appendix 1.
- 7.1.121. Before awarding a contract, the authorised person must confirm compliance with these procedures, budgetary approval and where a Key Decision, committee approval.
- 7.1.122. Where it is identified that the necessary approvals have not been achieved, the process cannot continue until ALL approvals are in place.
- 7.1.123. Where there is a discrepancy in the budget or funding approved and the returned prices, the following MUST be applied:
- insufficient funding – ALL requests for additional funding, usually with regards to capital projects, must be requested via a specific report, submitted to the appropriate scrutiny committee, detailing the value required and the reason or justification for the overspend;
  - variance reporting - Where the prices returned, following a procurement exercise, vary from the budget by more than +10%, the relevant officer MUST submit a report to the appropriate scrutiny committee to seek approval to award, regardless of whether additional funding is required, e.g. requirements funded from revenue budgets;
  - where both insufficient funding and variance reporting apply, this can be addressed in a single report;
  - this is not an automatic justification for an out of cycle decision.

- 7.1.124. Where as a result of the procurement process an additional approval process is required, the process applied and any decisions must be included in the Tender Report.

#### *Award Letters and the Collating, Signing or Sealing of contracts (Council Requirements)*

- 7.1.125. All award letters and notifications are to be issued using the Council's standard templates.

- 7.1.126. Where the procurement is managed through the e-tendering portal, the award notifications must also be via the portal.
- 7.1.127. Letters must be signed according to delegated authority and contract value. (see Appendix 1).
- 7.1.128. Where the Contract exceeds the EU threshold, a Standstill Period must be applied
- 7.1.129. All suppliers are to be notified at the same time as to the outcome of the procurement process.
- 7.1.130. Suppliers are to be provided with feedback as requested, in accordance with the Public Contract Regulations
- 7.1.131. A contract must be collated and printed (minimum 2 copies, one for the supplier and one to be held by Legal) by the project manager, checked by Legal (where at level 4 and above, or using non-standard terms and conditions), bound and signed/ executed by both parties before commencement (unless expressly agreed otherwise).
- 7.1.132. The Contract MUST include the following:
- The formal, final version of the contract document, to be completed with names and dates, and the appropriate pages for signature or sealing included.
    - this could be, either the Council standard terms and conditions; or
    - a bespoke set of terms and conditions;
    - the relevant Construction booklet with the project information completed and relevant amendments attached;
  - the Project Brief and Specification (in full);
  - the tenderer's submission (in full);
  - an anonymised transcript of all questions and answers issued through the portal;
  - a transcript of all post tender clarifications;
  - a schedule of all drawings, data sheets etc. including revision numbers (drawings may be included hard copy or on CD as most appropriate to the contract);
- It does NOT need to include references, insurance documents, any questionnaires or sales brochures supplied; theses should however be stored as a Contract Register attachment.
- 7.1.133. Executing the contract can be by signing or sealing the contract; first by the supplier and then the Council.
- 7.1.134. Signing a contract requires two signatures:

- one by the supplier – by an authorised person (usually a director). Someone with authority to bind them to the agreement; and
- one by the Council - a Director or Assistant Director of the Council.

7.1.135.Executing as a deed, the way in which this is done depends on the type of organisation involved (e.g. company/ charity / person) etc.).

- for companies, the company may :
  - affix its company seal (if it has one); or
  - it can be signed by two authorised directors of the company (or by one director and the company secretary): or
  - the deed can be signed by one director in the presence of a witness who attests the signature.
- for the Council, they must affix its common seal and this shall be attested by the Chief Executive, Strategic Director or Head of Legal Practice or some other person authorised by him/her. Legal must be consulted before a document is executed as a deed.

7.1.136.Where the contract is for Goods and Services, and is:

- below EU threshold – this can be signed in accordance with Appendix 1;
- above EU threshold – these must all be executed as a deed;

7.1.137.Where the contract is for works and is awarded using a construction industry contract; these MUST all be executed as a deed.

7.1.138.All new Frameworks Agreements must be executed as a deed.

7.1.139.All Grant Agreements and other agreements where there is NO CONSIDERATION, must be executed as a deed.

7.1.140.Other high risk contracts (see 1.19), where advised by Legal, are to be executed as a deed.

7.1.141.A scanned copy of the signed section of the contract should be stored on the Contract Register.

7.1.142.Where Legal are required to execute a contract as a deed, a copy of the committee approval agreeing budget, capital expenditure and/ or permission to procure (where a Key Decision); must be provided with the collated contract documents.

7.1.143.Contracts are sealed once a week; this must be factored into the procurement planning phase.

#### *Tender Reports and Award Publication (Legal Requirements)*

7.1.144.A Tender Report must be completed and agreed by the Director/Assistant Director before any award is notified.

7.1.145. A Tender Report is a summary of the process followed, the responses received, the evaluation process, any problems and ultimately, a recommendation to award.

7.1.146. All level 3 (see appendix 1) and above procurements must use the Council's standard template, and comply with the Public Contract Regulations requirements. Central Government may request to see any Tender Report of interest.

7.1.147. A copy of the Tender Report must be stored on the Contract Register.

7.1.148. For level 3 (see appendix 1) and above procurements, an award notice needs to be published on Contracts Finder, via the e-tendering portal.

7.1.149. For above EU level procurements, following award of the contract, an award notice must be published in the EU, via the e-tendering portal.

#### *Varying a Contract (Legal Requirements)*

7.1.150. A contract can be varied, post award, if agreed by both parties.

7.1.151. Any contract variation MUST be 'in scope' and suitably similar and relevant, to the original contract advert and specification.

7.1.152. A contract can NOT be varied where, the additional value would either:

- cause it to breach the EU threshold, where it was procured as a below EU tender or;
- cause an EU procurement to exceed the advertised value by more than 50%.

7.1.153. A variation must be approved by the appropriate Director/Assistant Director and signed by a Director.

#### *Extending the Contract Duration*

7.1.154. A contract can only be extended if the original contract included a provision to extend it in both duration and value.

7.1.155. The contract extension cannot:

- cause the value to breach the EU threshold where it was procured as a below EU tender or;
- cause the value to exceed what was advertised in the EU by more than 50%.

7.1.156. The contract extension needs to represent best value to the Council.

7.1.157. Where the contract does not include an extension option, but there are no other suppliers capable of providing the services – specifically relating to ICT and/ or maintenance of equipment by a specific manufacturer – an extension may be agreed subject to 1.28.2. using the deviation process (see 3.3).

#### *Summary Table*

Please see Appendix 1 and Appendix 2 regarding a summary of the levels and relevant approvals, plus the related financial thresholds.



## 7.2. Cambridge City Council's Internal Procurement Requirements

The Council is required to comply with the current Public Contract Regulation whilst ensuring best value, efficient delivery of council services and maintaining an audit trail of all decisions; the following section defines the process by which the Council requires this to be achieved.

A procurement process should not be commenced until ALL necessary approvals regarding budget and process have been agreed.

### *Procurement Planning, Approvals & Timescales*

Officers are required to allow sufficient time to carry out a procurement process compliant with all of the requirements within these procedures, specifically

7.2.1. Officers are advised to consider establishing a project team, based on risk and complexity, the suggested key members being:

- Project Sponsor – Director/Assistant Director over seeing the contract;
- Project Manager – person managing the procurement and the ultimate contract;
- Procurement;
- Audit;
- Legal;
- Finance;
- Climate Change Officer/ HR representative/ Poverty Officers/ ICT officer (where applicable);
- external technical consultants; or
- any other officer as project manager requires.

If unsure if the procurement requires a project team, please liaise with Audit & Procurement.

7.2.2. Approval to procure:

- capital spend - Where spend requires capital investment officers are required to complete a business case and attend Capital Programme Board and then comply with the Council's requirement to report to committee for funding approval, as detailed in the Constitution. Officers are advised to allow between three and six months to achieve these approvals (depending on timing of the committee cycle);

- cyclical spend over £1,000,000 - Where spend is funded as part of the annual or mid-financial-year budgeting process, but exceed £1,000,000, an additional report to committee regarding the procurement strategy is required. In these cases, officers are advised to allow between three and six months to achieve these approvals (depending on timing of the committee cycle);
  - cyclical requirements under £1,000,000 and statutory requirements - where funding has been agreed as part of the annual or mid-financial-year budgeting process, the procurement timetable does not need to add any additional time requirements as approval to procure is not required.
- 7.2.3. All high risk contracts (see 3.3) and or Key Decisions should have a risk assessment and be entered on the corporate risk register.
- 7.2.4. Tenders that are below the EU threshold should be advertised for a minimum of 21 days. They do not mandate a Standstill Period (although one can be included as good practice).
- 7.2.5. Tenders that are above the EU threshold should be advertised for a minimum of 35 days. The procurement is subject to a Standstill period of 10 days.
- 7.2.6. Officers are advised to allow between 3 months (level 3) and 6 months for an EU tender, plus the relevant approval timescales as detailed in 2.1.1 and 2.1.2.
- 7.2.7. A guidance timetable is included at Appendix 5;

*Procurement Considerations, Social Value and Localism*

- 7.2.8. The Council is committed to supporting the local economy by ensuring all tendering opportunities are accessible and tenderer friendly.
- 7.2.9. Where applicable, ALL Council Contracts MUST include the Voluntary Living Wage as defined by the Living Wage Foundation - [www.livingwage.org.uk](http://www.livingwage.org.uk).
- 7.2.10. Where practical and relevant, tenders should also address the following local social benefits, (as part of the supply chain) through the use of tender quality assessments and method statements.
- employment;
  - supply chain;
  - apprenticeships;
  - community benefit schemes;
  - any other benefit that supports the local economy and well-being of the City of Cambridge.
- 7.2.11. The Council commits to work with local enterprises through supplier events to offer support and guidance around bidding and working for the Council.

### *General Considerations*

7.2.12. When writing the project brief and specification document and collating the tender pack, officers are advised to consider the following and seek appropriate guidance where required:

- risk management;
- EQIA;
- climate change assessment;
- sustainability and environmental impacts; and
- any other policy or service delivery commitments.

### *Procurement Routes*

7.2.13. Officers MUST be mindful when carrying out a procurement process, to calculate the contract value realistically.

7.2.14. Contract spend should be based on an estimate of potential requirements over the next three to five years, across the whole council, (longer if agreed with Procurement and Legal).

7.2.15. Officers MUST NOT disaggregate spend intentionally, (or through ignorance of other Council activities) to avoid the required procurement route:

- Level 1 – officers are required to seek a single quote, (by phone or email) from a local supplier. Where one cannot be identified, the e-tendering system can be used to search for a suitable supplier.
- Level 2 – officers are required to :
  - either seek three quotes from local suppliers via email; or
  - seek three quotes, through direct invite on the e-tendering system; or
  - advertise such opportunities, where local suppliers cannot be identified or it is deemed that advertisement will offer greater value for money;

The outcome of this process must be added to the Contract Register along with a summary Tender Report.

- Level 3 – officers MUST advertise ALL procurement at this level on the e-tendering portal. These must be published for the timescales detailed above. All Q&A must be via the portal and all new information made available to everyone. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.
- Level 4 – The advertisement and loading of procurements at this level are managed by Procurement. The timescales are as Appendix 2. The Q&A

process will be managed by the project officer (and overseen by Procurement) using the portal, with all information being made available to everyone. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.

- Level 5 – These procurements exceed the EU thresholds and must be advertised accordingly. They must be published and carious requirements of the process managed by Procurement to ensure compliance with legislation. The contract must be awarded via the portal and a copy of the Tender Report attached when imported into the Contract Register.

7.2.16.Choice of procedures; the Council, as standard will apply the Open Tender process. If officers wish to use any other route, they MUST seek input from Procurement and Legal.

#### *Procurement Documents*

7.2.17.The Council is committed to making the procurement process as simple, standard and straight forward as possible, for both officers and suppliers.

7.2.18.All procurements require a tender pack; this to be made up of the council's standard templates, supplemented by any additional technical information.

7.2.19.Where possible, the Council's standard templates have been created as generic documents in a PDF format and are available on the intranet and e-tendering portal. A list of templates is included in Appendix 6.

7.2.20.All procurements require a 'Project Brief and Specification' document to be completed by a technically capable officer or an appointed consultant; where an industry standard format exists this can be inserted into this template.

7.2.21.Any drawings, plans, data sheets or other specification information should be included as an appendix to the 'Project Brief and Specification' document.

7.2.22.Where a project requires bespoke documents rather than the agreed templates, this must be justified to and agreed with procurement and legal before the procurement process commences.

7.2.23.Suppliers are required to confirm acceptance of the Council's requirements, provide a price and complete the method statement requirements as part of the 'Bidders' response' document. Officers are required to include their questions, responses and any lump sum pricing in this document. Where the pricing is complex or includes a schedule, this can be attached separately and should be provided as an excel document for ease of completion and evaluation.

7.2.24.Officers are advised to work with legal, procurement and audit where the project involves a complex specification requirement or pricing model, or another risk to the Council. Early involvement facilitates easier risk management later in the process.

### *Tender Period*

7.2.25. During the tender period, all questions and answers MUST be managed via the portal and made public.

7.2.26. Where additional information is provided in response to a question, officers are advised to consider if there is adequate time remaining, before the tender deadline, in which suppliers can address and incorporate the additional information.

7.2.27. Extensions to the deadline should only be granted where:

- additional information is provided within the last week of the tender period;
- additional information is contrary to previously advised requirements such that suppliers need to re-do previous work; or
- there are ICT issues with the portal on the day of submission.

7.2.28. Extensions are not available because:

- a supplier 'only just' found the tender;
- the supplier requesting the extension is the current provider;
- someone is on holiday or off-sick; or
- the supplier needs a bit more time.

7.2.29. Where the project has identified a benefit from arranging site visits, officers are to be mindful not to have everyone attend at once (if possible) as this could result in a reduced response rate or an anti-competitive set of returns. If concerned, advice should be sought from Legal, Procurement and Audit.

### *Tender returns*

7.2.30. Tenders MUST be returned via the portal. Submitted tenders are to be released in accordance with 1.16. Where it is identified that a tender has been returned late, Procurement must be consulted immediately.

### *Procurement Evaluation Process*

7.2.31. The Council applies the principle of Most Economically Advantage Tender as the evaluation principles; with a proposed split of 60% for price and 40% for Quality. This can be amended with the agreement of procurement and the Director/Assistant Director up to 80:20 split in favour of either element.

7.2.32. Questionnaires – as part of the Public Contract Regulations, a procurement process can only use a questionnaire as 'vetting' process on above EU threshold procurements:

- they cannot be used to shortlist suppliers to decide who to invite to tender;

- the new Standard Selection Questionnaire is a fixed document, it cannot be amended, but officers may add project specific requirements in section 8 (with guidance from Procurement);
- it is a tool by which to confirm that the supplier is suitably qualified, experienced and able to deliver a specific contract. It includes a reference section and an ability to add pass fail requirements around accreditations and minimal technical requirements;
- it is the mechanism by which suppliers are selected onto a DPS (see 1.14);
- it addresses mandatory and discretionary financial requirements and supplier's responses must be reviewed in conjunction with Procurement and Finance;
- turnover requirements are capped at a maximum of two times the annual value of the contract. Officers are mindful not to set minimum requirements that are anti-competitive, discriminatory to small or new businesses or that could prevent desirable competition. An understanding of the market and aspirations for the contract should be considered with input from Procurement and Finance, all on a balance of risk.

7.2.33.Shortlisting – as most procurements are published as ‘Open’ tenders, there is a chance that a large number of returns are received. As a means of ensuring economic value and achieving efficiencies, officers can detail a process by which tenders are evaluated in stages and only the most favourable and suitable tenders are considered for the next stage of the evaluation process. E.g. the three highest scoring tenders based on price are progressed on to the quality evaluation stage. Where such a process is required, this must be agreed with Procurement and an appropriate clear, transparent and objective description of the shortlisting mechanism included in the tender documents.

7.2.34.Price evaluation – officers are required to define a clear pricing structure and explain how scores will be allocated. This can be:

- a lump sum price covering everything in a single price (including risk);
- a bill of quantities/ pricing list of requirements/ phased or sectional pricing document;
- a Schedule of Rates (SOR), (either as an industry standard with pricing adjustments or a bespoke list to be completed).

For the purpose of evaluation, the pricing may need to be turned into a single value that can then be compared. Alternatively a weighted calculation can be applied for the various parts of the pricing document. Officers are advised to liaise with

procurement and audit where the pricing evaluation is not based on a lump sum price or based on an SOR.

- 7.2.35. Quality Evaluation – officers are required to create a list of questions, relevant to the contract, from which suppliers are required to write a number of method statements. These questions should be designed to address various elements of the contract specification and delivering a quality, economic solution. Officers are advised that supplier's method statements become part of the contract and therefore the questions should be designed to facilitate contract management. The evaluation questions need to be clear in what they are asking and well defined as to their weighting or score allocation, and any page or word limits need to be detailed. The higher the value, the more complex and high risk the contract, the more questions that should be asked/ method statements required.
- 7.2.36. Scoring quality method statements – the quality element of the tenderers' submissions should be scored by a minimum of three people. Officers are required to create score sheets that reflect the questions asked in the 'Bidders' Response' document, including the weightings and word/ page limits. Officers are required to provide a justification for the score provided based on an objective, pre-defined list of criteria (key concepts). All scores should then be averaged and an aggregated descriptive summary agreed; in a format that can be used to provide feedback to the suppliers following the award notification. It is advisable to establish the score sheets and test them before the evaluation process. Audit can provide further guidance/support in this area.
- 7.2.37. Credit checks – the council requires a credit check to be carried out on all procurements that are level 4 or above (see appendix 1), or are deemed high risk. The credit check cannot be used as an automatic pass or fail, but rather to inform discussions with suppliers regarding any risk of financial failure. Where a risk is identified through the check, officers are advised to liaise with Procurement and Finance to ensure any decisions made are not contrary to legislation.
- 7.2.38. Abnormally low or unsustainable tenders – where the evaluator identifies a concern as to the accuracy of the submitted prices, officers are advised to liaise with Procurement to carry out a review (in accordance with the Public Contract Regulations) to ascertain if the submission is deliverable or to be dismissed from further evaluation.
- 7.2.39. Post tender clarifications – following the evaluation of the tenders, officers are able to ask clarification questions of the suppliers either through the Q&A facility on the portal, or where stated in the documents, via a clarification meeting:
- where the clarification process relates to quality considerations and results in the scores being adjusted, this must be clearly documented in the Tender Report.

- where the clarification relates to price, officers may seek clarification regarding any anomalies or omissions, but the prices CANNOT be changed.
- where an arithmetical error is identified, this can be corrected but the error must be confirmed by an independent party (ideally Audit).

7.2.40. Once all the scores have been collated, an arithmetical check is required by an independent party (ideally Audit)

7.2.41. Supplier feedback – officers are required to notify ALL suppliers at the same time through the portal. As part of the feedback, officers need to advise suppliers of ‘the relative advantages and disadvantages of the tender compared to the successful supplier’, this to be collated from the individual score sheets. Officers cannot provide any information deemed commercially sensitive or potentially anti-competitive, but they are required to provide the contract value and a breakdown of scores.

### *Contracts Management*

Work under a contract must not begin until the Contract Document has been signed or sealed and dated.

The contract manager is responsible for :

- ensuring that the contract is carried out in accordance with its terms and conditions;
- monitoring the supplier's performance and ensuring compliance;
- monitoring cost and Best Value requirements;
- monitoring equalities and sustainability data, where appropriate;
- monitoring user satisfaction;
- monitoring risk management;
- formal and documented periodic reviews (as a minimum, these should be quarterly);
- ensuring the supplier complies with the Council's policies;
- ensuring that the supplier maintains the insurance policies required by the contract;
- ensuring any minor changes to the contract are agreed and approved before they are carried out;
- monitoring sub-contracting in accordance to the requirements and limitations detailed in the contract;



- keeping a record of all valuations, payments, claims, monitoring, changes and certificates under the contract. Payments must only be made against a valid invoice;
- deducting liquidated damages, if appropriate;
- in consultation with Legal Services and the Chief Financial Officer, consenting to sub-contracts, assignment or novation to new suppliers; and
- managing the transition between the ending of one contract and the beginning of another.

The Director/Assistant Director must consult Legal Services for consideration of the Council's legal position:

- before any contract is to be terminated or suspended;
- in the event of a claim for payment not clearly within the terms and conditions of contract;
- before making any deduction from payments due to a supplier or withholding payment from a supplier (unless provision is made for this in the contract);
- before settling any dispute;
- before making any extension to a contract or variation of the scope of a contract; and
- In the event that a supplier enters into receivership or goes into liquidation.

At the end of any contract over the EU threshold, the contract manager must provide a written report to the relevant Director evaluating the extent to which the contract met the purchasing need and contractual objectives as set out in the original Project Appraisal or Business Case.

If the contract is to be re-let, the contract manager's report should be available in sufficient time to inform the approach to re-letting any subsequent contract.

### **7.3. Deviation from these Procedures**

#### *Restrictions*

- 7.3.1. The Council is bound by the Legal requirement to advertise at Level 3 (see appendix 1); as such, the Council has NO ability to opt-out or exempt from this requirement.
- 7.3.2. The Council can exempt from the procedural requirements for level 1 & 2 (see appendix 1).
- 7.3.3. The Council refers to this process as a Deviation.

### *Deviation from Procurement Process Requirements*

7.3.4. Level 1 & 2 – Deviation. Spend that is level 2 or below is subject to the Council's rules, as such, the Director/Assistant Director can agree a deviation where it is demonstrated that:

- there is only one supplier in the market;
- the time required to seek quotes could cause environmental or health and safety risks; and/ or
- the time required to seek quotes could result in funding being lost.

Where such requirements are requested by a Director/Assistant Director, this must be approved by another Director/Assistant Director to ensure a separation of duties.

7.3.5. Level 3 and above – Deviations. Where an officer can demonstrate exceptional circumstances, e.g. a monopoly, an officer may seek agreement to deviate from these requirements.

7.3.6. All Deviations require a detailed explanation as to why a deviation is sought, the value of the deviation, a completed risk assessment and the impacts if not agreed.

7.3.7. Procurement is not obliged to agree any deviations. Any award of contract, following the decline of such as request; by any of the parties listed above, is at the risk of the Director/Assistant Director and may be treated as gross misconduct.

### *Extensions to Contracts*

7.3.8. Officers may seek an extension of time, not provided for within the current contract, by way of the deviation form. This will be considered where:

- there is only one supplier able to deliver the requirement; e.g. maintenance is restricted to the manufacturer of the equipment;
- the requirement relates to ICT;
- the extension will not make a non EU procurement breach the EU threshold;
- the extension will not make an EU procurement exceed its advertised value by more than 50%;
- the extension covers an unforeseeable requirement;
- the extension facilitates consolidating contracting arrangements and end dates to enable value for money and economy of scale in subsequent procurements;

- the extension facilitates a current, compliant procurement process, assuming none of the above points are in conflict, and the requirement is not due to a wilful lack of action.

7.3.9. Any extensions agreed will only be to facilitate effective service delivery and replacement procurement.

#### *Approval Process*

7.3.10. As these decisions are made on a balance of risk, it must be agreed by Procurement, Audit, the Director/Assistant Director and the non-service-director.

7.3.11. Approval will be subject to the arguments and justifications proposed being seen as valid and an acceptable level of risk to the Council.

7.3.12. Legal will review the request to confirm there is authority to proceed.

## **7.4. Definitions**

<b>Award Criteria</b>	means the criteria by which the successful Quotation or Tender is to be evaluated
<b>Best Value</b>	means the duty under the Local Government Act 1999 requiring an authority to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness
<b>Bond</b>	means an agreement whereby the surety or insurer under the bond pays out a sum of money (often 10% of the Contract value) in the event that the Supplier in a Contract commits a serious breach of contract (that cannot be remedied) or becomes insolvent
<b>Business Case</b>	means a written commercial assessment that provides the key facts and rationale for the proposed purchase.
<b>Concession</b>	means a Contract where the payment or part-payment of the Services or Works consists of the grant by the Council of the right for the Supplier to exploit the Services or Works to be carried out
<b>Contract</b>	means the bargain or agreement between the Council and a Supplier for the supply of Works, Goods or Services in return for a valuable benefit (usually money)
<b>Contract Document</b>	means the document setting out the terms and conditions of the Contract. A purchase order is a contract document. Although at law a verbal agreement may be a Contract, Contracts for the Council must always be supported by appropriate written contract documents
<b>Contract Register</b>	means a list of all expired and current contracts held by the Council
<b>Contractor</b>	see Supplier
<b>Director</b>	means one of the Officers defined in Article 11 para 11.1.2 of Part 2 of the Council’s Constitution

EU Threshold	means the value in pounds sterling above which the EU Regulations apply to a proposed public contract. The thresholds are set out in the table above.
Deviation Form	means the form to be used when applying for an exemption
Financial Regulations	means the rules at Part 4F of the Council's Constitution
Goods	see Supplies
<b>Grant</b>	means a voluntary transfer of money by the Council to a third party.
Director/Assistant Director	see Officer
<b>Key Decision</b>	means a decision made in exercise of an executive function by any persons (including Officers) or body which meets one or more of the conditions set out in Article 12.3.2 in Part 2 of the Constitution. In relation to incurring expenditure or making savings, the value is £1,000,000 and above.
<b>Levels</b>	means the procurement thresholds that determine the procurement processes that need to be followed
<b>Mobilisation</b>	means the period of time allocated to resource, set up and initiate a new contract, e.g. TUPE requirements, site set up on a construction project, lead time for ordering materials.
Officer	means an individual who holds a post on the Council's establishment
OJEU	means the Official Journal of the European Union
Parent Company Guarantee	means the guarantee from a parent company to act in accordance with the Contract in the event that the subsidiary company fails to perform under the terms of the Contract with the Council
<b>Specification</b>	means a clear and comprehensive description of the Council's requirements. This will vary according to the value and complexity of the purchase
<b>Standard Terms and Conditions</b>	means the terms and conditions of contract used for purchase up to level 3
<b>Standstill</b>	means the period between notifying all tenderers of your award intentions and the actual contract award (10 days) during which suppliers can challenge the process if they feel it has been incorrectly managed.
Supplier	means a supplier of Works, Goods or Services to the Council
Supplies contract	means a contract for the sale or hire of goods to the Council and includes, where appropriate, installation of goods
Tender	means an offer by a Supplier in response to an ITT to undertake a contract

Tender Report	means a report that documents the process followed, the evaluation scores and the proposed recommended award
<b>TUPE</b>	means the Transfer of Undertaking (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of them. In general terms, the rules protect employees when their business is taken over by a new employer.
Works contract	means a contract for the construction, repair or maintenance of built asset, e.g. a building or a road

## **Section 8 – Officer Employment Procedure Rules**

### **Preliminary**

These rules set out the procedural rules dealing with the appointment and dismissal of and taking disciplinary action against staff. There are mandatory Standing Orders namely the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) which govern this.

“Disciplinary action” in relation to a member of the Council’s staff means any action occasioned by alleged misconduct which, if proved, would according to the usual practices of the Council, be recorded on the member of staff’s personnel file and includes any proposal for dismissal of the member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such contract.

Reference to a ‘Chief Officer’ includes a ‘Deputy Chief Officer’ unless these rules expressly provide otherwise and refers to all of those Officers of the Council as defined by Section 43(2) of the Localism Act 2011.

### **8.1. Recruitment and Appointment**

Subject to those exceptions set out in section 7 of the Local Government and Housing Act 1989 (political assistants), every appointment of a person to a paid office or employment with the Council shall be made on merit.

### 3.1.1 Declarations

- a. Candidates for any appointment must declare in writing if they are related to any Councillor or Senior Officer of the Council. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- b. Related persons include spouse, civil partner, partner (i.e. member of a couple living together) parent, parent in law, step parent ,grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, or niece or the spouse or partner of any of the preceding persons ,of a Councillor or Senior Officer, or their partner. This list is indicative, and a judgement will be made based on the closeness of the relationship.
- c. No candidate so related to a Councillor or Senior Officer will be appointed without the authority of the relevant Chief Officer or their nominee.

### 3.1.2 Seeking Support for Appointment

- a. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or Senior Officer for appointment
- b. Councillors must not seek support for any person for any appointment with the Council.
- c. This does not prevent a Councillor from giving a written reference for a candidate

## 8.2. Recruitment of Head of Paid Service and Chief Officers

- 3.2.1 When recruiting for these positions and where it is not proposed that the appointment will be made exclusively from amongst their existing Officers, the Council will:
  - draw up a job description and person specification;
  - advertise the post in a way likely to attract qualified applicants; and
  - provide information about the post to any applicant upon request.
- 3.2.2 A Committee or Sub Committee of the Council will appoint Chief Officers. This Committee or Sub Committee must contain at least one Cabinet Member. An Executive notice will need to be sent to all Cabinet Members informing them of the proposed appointment and allow for any objections to be made to the Leader of the Council.
- 3.2.3 The Full Council must approve the appointment of the Head of Paid Service, S151 Officer (Chief Finance Officer) and Monitoring Officer before an offer is made.

3.2.4 Councillors will not normally be involved in the appointment of Deputy Chief Officers.

### 8.3. Other Appointments

3.3.1 Officers below Chief Officer level will be appointed by Head of Paid Service or their nominee.

3.3.2 The Head of Paid Service, may amend the senior management structure of the Council to deliver the Council's objectives in the most effective and efficient manner, subject to the following conditions:

- a. that the Head of Paid Service can make interim appointments to the senior management structure in order to facilitate projects or to fill a skills gap;
- b. that the Head of Paid Service shall consult with all political group leaders prior to the implementation of any changes to the senior management structure;
- c. that the Head of Paid Service will report to the Employment Committee within six months of any change to the senior management arrangements being implemented by the Head of Paid Service.

### 8.4. Disciplinary Action

The Head of Paid Service, Monitoring Officer, and Chief Finance Officer may be suspended while an investigation takes place into alleged misconduct.

Disciplinary action against Chief Officers will follow the Council's disciplinary procedures and relevant legislation.

Councillors will not normally be involved in disciplinary action relating to Deputy Chief Officers.

Councillors will not be involved in disciplinary action against officers below Chief Officer level, except where permitted by the Council's procedures.

### 8.5. Dismissal

3.5.1 The dismissal of the Head of Paid Service, Section 151 Officer (Chief Finance Officer) and Monitoring Officer must first be approved by the Full Council.

3.5.2 In determining the recommendation for dismissal for the Head of Paid Services, Section 151 Officer (Chief Finance Officer) or Monitoring Officer the following process needs to be followed:

- the Council shall invite relevant independent persons to be considered for appointment to an independent panel ['the Independent Panel'], with a view to appointing at least two such persons to the Independent Panel;
- the Council may appoint more than two relevant Independent Persons if it wishes;



- ‘Relevant Independent Person’ means any Independent Person who:
  - a. has been appointed by the authority; or
  - b. where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the authority considers appropriate;
  - c. subject to the above the authority shall appoint to the Independent Panel such relevant Independent Persons who have accepted an invitation issued in the following priority order:
    - i. a relevant Independent Person who has been appointed by the authority and who is a local government elector;
    - ii. any other relevant Independent Person who has been appointed by the authority; or
    - iii. a relevant Independent Person who has been appointed by another Authority or Authorities.
  - d. the Authority shall appoint any Independent Panel at least 20 working days before the relevant meeting;
  - e. before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Authority shall take into account, in particular:
    - i. any advice, views or recommendations of the Independent Panel;
    - ii. the conclusions of any investigation into the proposed dismissal; and
    - iii. any representations from the relevant Officer.
  - f. any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Independent Panel shall 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.
- Councillors will not be involved in the dismissal of Officers below Chief Officer level, except where permitted by the Council's procedures.

## 8.6. Pay and Conditions

- 3.6.1 The Council will maintain a Pay Policy Statement in accordance with relevant legislation.
- 3.6.2 Any salary package for a new post exceeding £100,000 must be approved by the Full Council before the post is advertised.

## Part 5 – Codes and Protocols

### Section 1 – Members’ Code of Conduct

#### 1.1. Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners after extensive consultation with the section, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All Councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC).

#### 1.2. Definitions

For the purposes of this Code of Conduct, a “Councillor” means a Member or Co-opted Member of a Local Authority or a directly Elected Mayor. A “Co-opted Member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a Member of the Authority but who:

- a. is a Member of any Committee or Sub Committee of the authority; or
- b. is a Member of, and represents the Authority on, any Joint Committee or Joint Sub Committee of the Authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub Committee”.

For the purposes of this Code of Conduct, “Local Authority” includes County Councils, District Councils, London Borough Councils, Parish Councils, Town Councils, Fire and Rescue Authorities, Police Authorities, Joint Authorities, Economic Prosperity Boards, Combined Authorities and National Park Authorities.

#### 1.3. Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken. It is also to protect yourself, the public,

fellow Councillors, Council Officers and the reputation of local government. It sets out the conduct expected of all Councillors a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of Member and local government.

#### 1.4. General principles of Councillor conduct

Everyone in public office at all levels – Ministers, Civil Servants, Members, Council Officers – all who serve the public or deliver public services should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles which can be found in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of a Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of a Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my Local Authority's requirements and in the public interest.

#### 1.5. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of a Councillor or attend your first meeting as a Co-opted Member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor; or

- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication; or
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

## 1.6. Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### *General Conduct*

#### 1. Respect

As a Councillor:

- 1.1. I treat other Councillors and members of the public with respect;
- 1.2. I treat Local Authority employees, employees and representatives of partner organisations and those volunteering for the Local Authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Local Authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Local Authority employees, where concerns should be raised in line with the Local Authority's Councillor/Officer protocol.

## 2. Bullying, harassment and discrimination.

As a Councillor:

2.1. I do not bully any person;

2.2. I do not harass any person; and

2.3. I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Local Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### 3. Impartiality of Officers of the Council

As a Councillor:

- 3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Local Authority.

Officers work for the Local Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question Officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### 4. Confidentiality and access to information

As a Councillor:

- 4.1. I do not disclose information; or

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. 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
  - iv. the disclosure is:
    - 1. reasonable and in the public interest; and
    - 2. made in good faith and in compliance with the reasonable requirements of the Local Authority; and
    - 3. I have consulted the Monitoring Officer prior to its release.

- 4.2. I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

- 4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Local Authority

must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute

As a Councillor:

5.1. I do not bring my role or Local Authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your Local Authority and may lower the public's confidence in you or your Local Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Local Authority into disrepute. You are able to hold the Local Authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

## 6. Use of position

As a Councillor:

6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as an Elected Member of the Local Authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## 7. Use of Local Authority resources and facilities

As a Councillor:

7.1. I do not misuse Council resources.

7.2. I will, when using the resources of the Local Authority or authorising their use by others:

- a. act in accordance with the Local Authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Local Authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the Local Authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Local Authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Local Authority's own policies regarding their use.

## 8. Complying with the Code of Conduct

As a Councillor:

- 8.1. I undertake Code of Conduct training provided by my Local Authority.
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Local Authority or its governance. If you do not understand or are concerned about the Local Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## *Protecting your reputation and the reputation of the Local Authority*

## 9. Interests

As a Councillor:

- 9.1. Register and disclose my interests

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the authority.

You need to register your interests so that the public, Local Authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should



disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

As a Councillor:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Local Authority or from persons who may apply to the Local Authority for any permission, licence or other significant advantage.
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the Local Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## 1.7. Appendices

## *Appendix A – The Seven Principles of Public Life*

The principles are:

- **Selflessness**  
Holders of public office should act solely in terms of the public interest.
- **Integrity**  
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.
- **Objectivity**  
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability**  
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness**  
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty**  
Holders of public office should be truthful.
- **Leadership**  
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## *Appendix B – Registering Interests*

Within 28 days of becoming an Elected Member or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

#### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

#### **Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which affects –
  - a. your own financial interest or well-being
  - b. a financial interest or well-being of a relative or close associate or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the Ward affected by the decision and
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

The table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
---------	-------------

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — <ul style="list-style-type: none"> <li>a) under which goods or services are to be provided or works are to be executed; and</li> <li>b) which has not been fully discharged.</li> </ul>
Land and Property	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— <ul style="list-style-type: none"> <li>a) the landlord is the Council; and</li> </ul>

	<p>b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a Director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>a) that body (to the Councillor's 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 the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\*'Director' includes a member of the committee of management of an industrial and provident society,

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest:

- a) any unpaid Directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - i. exercising functions of a public nature
  - ii. directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

### *Appendix C – the Committee on Standards in Public Life*

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies;
- the introduction of sanctions;
- an appeals process through the Local Government Ombudsman;
- changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012;
- updates to the Local Government Transparency Code;
- changes to the role and responsibilities of the Independent Person; and
- that the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

**Best practice 3:** Principal Authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An Authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.

**Best practice 5:** Local Authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as Comma Separated Values (CSV).

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local Authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a Local Authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A Local Authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a Parish Councillor towards a clerk should be made by the Chair or by the Parish Council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the Principal Authority. They should be provided with adequate training, corporate support and resources to undertake this work.



**Best practice 13:** A Local Authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different Authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by Local Authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior Officers should meet regularly with political group leaders or group whips to discuss standards issues

## Section 2 – Officers’ Code of Conduct

### What is the Code of Conduct?

The Code of Conduct tells you what Cambridge City Council expects of you in your daily work and your dealings with your colleagues and members of the public. The Council wants to maintain high standards of service and reputation and this document tells you how you play your part in that.

In all aspects of your employment, the Council is committed to treating you fairly and with dignity and respect at all times, in line with the [Comprehensive Equalities and Diversity Policy](#).

### Who does it apply to?

This Code applies to all employees, whether permanent or fixed term. Contractors, consultants, temporary agency staff, casuals and volunteers are required to follow the Code when carrying out work for the Council.

Additional guidance for Senior Managers (including Directors, Assistant Directors and managers who report directly to a Director/Assistant Director) is given at **Appendix 1** to this Code.

**Elected Members have their own separate Code of Conduct, available on the intranet.**

#### 14.4. What does the Council expect from you?

Under this Code of Conduct, you are required to:

- Conduct yourself with the highest standards of honesty and integrity so the Public maintain confidence in the Council.
- Understand and follow the Code of Conduct and other rules and procedures relevant to your job.
- Follow reasonable management instructions.
- Attend work in a condition to be able to carry out your work safely.
- Act professionally and treat others with dignity and respect.

**If you breach the rules of this Code of Conduct it could result in disciplinary action being taken against you.**

#### 14.5. Council money and equipment

If public funds are entrusted to you they must be used in a lawful and responsible manner, and following any local rules and procedures. Council facilities, vehicles or property must not be used for personal use. Specific rules about [internet and e-mail use](#) can be viewed on the Intranet.

#### 14.6. Conduct outside work

**Although what you do in your free time is your own concern, you should avoid any actions that will negatively affect the reputation of the Council. If you are charged,**

**cautioned or convicted with a criminal offence, or implicated in a criminal investigation; you must notify the Council immediately.**

#### 14.7. Having another job

If you have another job, you must inform your Manager, and ensure that it does not conflict with your job at the Council. You must not work a total of more than 48 hours per week on average (as stated in the Working Time Regulations), unless the Council have agreed to you 'opting out' of this maximum. This will only be agreed to in exceptional circumstances. Please refer to the Working Time policy for more information.

**If you are in pay band 4 or above you must obtain the consent of your Manager before taking another job.**

#### 14.8. Accepting gifts

The principle is that you should refuse any gift you are offered by external people you come into contact with at work. The only exception is for small items such as calendars, diaries, sweets or similar token low value gifts and where refusal is likely to offend the donor.

If you are offered something unexpectedly, inform your Director/Assistant Director or Manager, who will consider the circumstances under which the gift has been offered and decide whether it is appropriate to accept it. For example, if you are involved in a tendering exercise and one of the potential suppliers offers you a gift or generous hospitality, this offer should be reported to your line manager and recorded in the gifts/hospitality register, even if the gift/hospitality is subsequently refused.

You should ensure there is a record of any gift received (other than the small, low value items described above) in the Gifts and Hospitality Register and that your Manager has authorised this.

You should be aware that under the Bribery Act 2010 it is a criminal offence to corruptly receive a gift, loan, fee, reward or advantage for doing or not doing anything in your official capacity.

### **Hospitality**

You should only accept hospitality where it is on a corporate rather than a personal basis, and it is appropriate to the occasion, e.g. tea/coffee/biscuits/cake/refreshments.

Attending a working lunch, or a dinner or ceremony where you will be representing the Council are examples of acceptable hospitality, although you must obtain approval from your Manager and this should be recorded in the gifts/hospitality register.

Further advice on gifts and hospitality is contained in a set of [FAQs on the HR intranet pages](#):

### **14.9. Being politically neutral**

You must be politically neutral and unbiased in your dealings at work, whether or not you are in a 'politically restricted' post. This means you can't allow your political opinions to influence or interfere with your work. If your post is politically restricted, further [political restriction guidance](#) is available on the intranet.

## Expressing your views

**You should not publicly voice or associate yourself with an opinion, which is in conflict with a Council view, on a matter that relates to your job. This could lead to loss of public confidence in the Council.**

If you are required to explain a decision the Council has made, in the course of your job, you should not express your personal views. The Media Protocol gives further information. Guidance for attendance at public/political meetings is contained in **Appendix 2**.

## 14.10. Conflicts of interest

You should inform your Manager immediately if any conflict of interest occurs between your work duties and your personal life. Examples of where a conflict of interest could arise include:

- Involvement with a business that is competing with the Council for work.
- Relationships of a business or a personal nature with an external contractor.
- Involvement with an individual or firm who has submitted a planning application.
- Membership of a community group whose views and actions may oppose that of the Council.
- Being on the panel of an interview where you have a personal friendship or are related to the interviewee; or being in a position where you are the line manager to a close personal friend or relative
- You (or a relative or close friend) submitting a planning application.
- Matters that affect you or your family, such as lodging an objection to a planning application as a Cambridge resident.

You must declare personal membership of any organisation which is not open to the public, without formal membership and commitment of allegiance and which has secrecy about rules or members conduct.

If you think a conflict of interest has arisen please inform your Manager immediately. Where a conflict of interest arises, this should be formally recorded by your Line Manager.

#### 14.11. Concerns

If you have a general concern at work, you should speak to your Line Manager.

If you have a concern about serious malpractice at work, such as something unethical, fraudulent or illegal, you can contact the Whistle blowing line.

Telephone: extension 8181 / 01223 458181 or e-mail:

[whistleblowing@cambridge.gov.uk](mailto:whistleblowing@cambridge.gov.uk)

View the full [whistleblowing policy](#) on the intranet.

If you are concerned about bullying or harassment, you should refer to the Bullying and Harassment Policy.

#### *Confidential Information*

In the course of doing your job, you may have access to confidential information such as information about members of the Public. You must never disclose such information without authorisation, or make personal use of it. You must also ensure that confidential information sent outside of the organisation is sent securely, via recorded delivery or is encrypted if being sent electronically. The [Data Protection](#) pages on the intranet give further guidance.

### *Separation of roles during tendering*

If you are involved in the tendering process you should be clear on the separation of client and contractor roles. You must not disclose confidential information on tenders or costs of internal / external contractors to any unauthorised person or organisation.

### *Safeguarding of Children and Vulnerable Adults*

**Cambridge City Council has a statutory duty to safeguard and promote the welfare of children, and to develop procedures to protect vulnerable adults. As a City Council employee, you:**

- Must be aware of the [Safeguarding Policy](#)
- Must attend Safeguarding training if it's required for your job
- Must not begin any unsupervised activity involving access to children or vulnerable adults before receiving a satisfactory Criminal Records Bureau (CRB) check from the Council.
- Must report inappropriate behaviour or bad practice.

### *Where to get more information*

**The Council's Intranet site contains employment policies and guidance, as well as health and safety information.**

Speak to your Line Manager if you have any questions or if you cannot access the required information from the Intranet.

# Appendix 1

## For Senior Management

### Scope

**This guidance applies to you if you hold a senior Management position (where you report directly to a Director/Assistant Director) or the position of Director/Assistant Director. You are also bound by the ‘Code of Conduct for All Employees’.**

### *Your responsibilities*

**As a senior manager of Cambridge City Council, you hold a position of greater trust and confidence. You are expected to:**

- Be a role model for all employees in upholding the Code of Conduct, and ensure your teams are aware of its contents.
- Conduct your role with openness, honesty and integrity at all times.
- Ensure that employees understand their roles and that Council policies and procedures are accessible to all.
- Act promptly, thoroughly and fairly when responding to reports of wrong doing within the Council.
- Consider sustainability issues when carrying out your role including in the procurement of goods and services.
- Report any personal conflict of interest immediately.
- Ensure Council funds and resources are used in a proper manner.

### *Political neutrality*

**In the course of your work you are expected to adopt a politically neutral and objective approach at all times. You may be required, as part of your role to attend public meetings or private political meetings. You must refer to the Guidance for attendance at public/ political meetings contained in Appendix 2.**

If you hold a politically restricted post, you must read and comply with the [Political Restriction Policy](#).



### *Personal relationships*

Close personal familiarity with another employee, Councillor or member of the Council or a contractor may lead to an accusation of bias or other employees feeling uncomfortable; it should therefore be avoided where possible. If a relationship arises this must be immediately disclosed to your Manager.

You must not be involved in the appointment of any applicant for a job if you are their relative, friend or partner; nor should you take a role in their discipline, promotion or pay adjustment. If you are put in a position of being the line manager to your relative, close friend or partner this must also be immediately disclosed. You must not be involved in the awarding of a contract for anyone you are in a close personal relationship with outside of work.

### *Ethical decision making*

As a senior manager you make decisions daily that could be analysed or interpreted by others. Not every ethical dilemma can be outlined in a written Code. You should consider:

- Is the public's confidence in the Council at risk?
- Would a member of the public see the proposed action, decision or practice as fair, honest and appropriate?
- Would the action comply with relevant legislation, policy and practice?

### *Annual declaration*

Directors/Assistant Directors are required to complete a Declaration of Pecuniary Interests on an annual basis. This includes details of any outside

business interests. The declaration form will be sent to you when it is due to be completed.

**You should speak to your Manager if you are in any doubt about a particular issue or aspect of your role.**

## Appendix 2

### Guidance for attendance at public / political meetings

#### **Scope**

This guidance applies to all employees.

#### **Public meetings**

**You may be expected to attend a public meeting called by a Councillor, to give a professional or technical view or answer questions.**

Attendance at public meetings is acceptable only when meetings are genuinely open and invitations to platform speakers are not restricted to one political group.

#### **Public political meetings**

It is not acceptable for you in your official capacity to speak at a public political meeting called by a political group.

### **Private political groups**

You will not be called upon to attend or advise any private political group meeting. However the Chief Executive, Directors/Assistant Directors and their deputies may attend a private political group meeting to explain or advise on Council policies or issues; provided that this facility is available to all political groups who are represented on the Council.

### **Politically restricted posts**

If you hold a politically restricted post, you may not speak in public or publish material that affects support for a political group. However it is acceptable to explain the Council's position on a policy or issue in your official capacity. Refer to the [Political Restriction Policy](#) for further guidance.

### **Political publicity**

In the course of your work, you must not publish any material, or give quotes which partly or wholly appear to support one political group. This includes materials or quotes referring to a political group, or promoting or opposing a point of view that is identifiable to one political group.

Speak to your Director/Assistant Director if you require further guidance about attendance at public/ political meetings.

## PROTOCOL ON MEMBER/OFFICER RELATIONS

### Introduction

- 1.1 The purpose of this Protocol is to guide councillors, officers and other individuals who are members of Council bodies in their relations with one another. The Codes of Conduct for both members and officers have been referred to in the development of this Protocol and should be considered in addition to it when appropriate.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to members and officers. The purpose of the rules and this Protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

### Roles of Members and officers

- 2.1 The elected members are responsible for:
  - the initiation and direction of policy;
  - democratic accountability to the electorate for policies and for service delivery;
  - the scrutiny of Council services;
  - community leadership;

- the promotion of partnership working; and
- the presentation of Council policy.

## 2.2 The officers are responsible for:

- providing the professional advice that members must have before them when formulating policy and when taking decisions. The functions and areas of responsibility of the Council's Chief Officers are described in Article 11 of the Constitution (pages 23-26);
- implementing members' decisions;
- running the Council's services and day-to-day administration;
- taking managerial and operational decisions in accordance with the Council's schemes of delegation; and
- the provision of information regarding Council services and approved Council policies including via the media.

## Working relationships

3.1 The Council has determined that there should be no formal separation of officer support between the executive and scrutiny functions. The Chief Executive has overall responsibility for ensuring that staffing support is sufficient. To assist this, the Chief Executive will be responsible for ensuring that proper officer support is provided for overview and scrutiny.

3.2 The working relationship between senior officers and the Executive will be particularly close. This relationship, however, must not:

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

3.3 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents. They must not be requested to advise upon private matters.

- 3.4 Paragraph 2 of the Officer Code of Conduct (Pages 295-299) emphasises that officers are employed by, and serve, the whole Council. They are politically neutral and must avoid being identified with any political party. Members must respect this.
- 3.5 Directors/Assistant Directors (but not normally any other officer below second tier) may, in exceptional circumstances, be invited to attend political group meetings to explain or advise on policies and/or issues provided that this facility is available to all political groups represented on the Council. The Chief Executive should be informed by an employee that he/she is to attend such a meeting.
- 3.6 Paragraph 3.5 does not apply to invitations to officers to attend group meetings in their capacity as trade union representatives, which shall be permitted.
- 3.7 Political group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not Council decisions and so should not be relied upon as such.
- 3.8 The Chief Executive and Directors may attend collectively to brief meetings of those members making up the Executive and the Chairs of Scrutiny & Regulatory Committees, on forthcoming issues.
- 3.9 Scrutiny committees have the power to require Executive Councillors and officers to appear before them and answer questions. So far as Executive Councillors are concerned, scrutiny committees should, wherever possible, require attendance only at meetings that appear in the Council diary. So far as officers are concerned, the statutory guidance states that "local authorities may wish to adopt conventions that overview and scrutiny committees would normally only require officers above a certain grade to attend to ensure that more junior officers are not put under undue pressure". Accordingly, the Council's scrutiny committees will only be able to require the attendance of Chief Officers and Directors/Assistant Directors. However, to facilitate proper conduct of business, they may arrange, as necessary, for other officers to attend meetings to assist.

## Familiarity

- 4.1 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- 4.2 Such familiarity could also cause embarrassment to other members and/or other officers and even give rise to suspicions of favouritism.
- 4.3 As a result care should be taken by individual members and officers in their relationship with each other.

## Undue Pressure

- 5.1 It is important that in any dealings between members and officers neither should seek to take unfair advantage of their position.
- 5.2 In their dealings with both Directors and officers (especially junior employees), members need to be aware that it is easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.
- 4.3 A member should not apply any pressure on an officer to do work outside of normal duties. A member should also not normally require an officer to do work outside of reasonable working hours but if deemed essential then this should be negotiated. Neither should pressure be put on an officer to do anything that he or she is not empowered to do.
- 4.4 Similarly, an officer must not lobby or use influence on an individual member to make a decision in his or her personal favour. They should not raise personal matters to do with their job, nor make claims or allegations about other officers, nor make negative comments on the competency of another officer as the Council has formal procedures for this.

- 5.5 Members should recognise that officers' workloads frequently require extended periods of concentration or involve tight deadlines. Members should respect officers' working time and should, where possible, arrange appointments and avoid frequent unscheduled interruptions.

## Constructive criticism & redress

- 6.1 It is important that there should be mutual courtesy between Members and officers. It is important that there are reasonable standards of courtesy and no member or officer should seek to take unfair advantage of their position.
- 6.2 Members have the right to criticise reports or the actions taken by officers but they should:
- always avoid personal attacks on officers;
  - ensure that criticism is constructive and well-founded.
- 6.3 If a member considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the officer's line manager or Director without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Director in accordance with the Council's normal procedures. Feedback should be given to the member on the outcome.
- 6.4 If an officer considers that he or she has not been treated with proper respect or courtesy, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual and/or Party Group Leader. The Director will inform the Chief Executive if the Party Group Leader becomes involved, or in any other case where it is appropriate. Feedback should be given to the officer on the outcome.



- 6.5 The Council operates a confidential whistle-blowing policy overseen by the Standards Committee. The Council is committed to the highest possible standards of operation, integrity, openness and accountability. It is expected that where an officer or member is concerned about potential unlawful conduct of an officer or member, they voice those concerns so that they can be dealt with effectively. Nb. The Code of Conduct for Members (Part 5a of the Constitution pages 287-294) refers to those matters where a member is aware that another member has failed to comply with the Code.

## Officers' advice on declarations of interest

- 7.1 The Council's Head of Legal Practice will provide advice and information to Members on declarations of interest of a personal nature and whether or not such an interest might amount to a prejudicial interest. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared.

## Officers' reports and advice

- 8.1 The Director/Assistant Director in whose name a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.
- 8.2 A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Executive Councillor/Chair and the author of the report should be referred to the Chief Officer, or, if the author of the report is a Chief Officer, to the Chief Executive for resolution after consultation with the Leader.
- 8.3 On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. They must be allowed to do so without interference from, or victimisation by, members or officers.

## Officer decisions taken under delegated powers

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

## Dealing with the Media

- 10.1 Officers and members should be aware of the Convention on dealing with the Media in Appendix F of the Council Procedure Rules in Part 4a of the Constitution (pages 138-140). This is also listed on the Council's Intranet under 'Publicity and Media'.

## Involvement of ward councillors

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the councillors representing the Ward or Wards affected should, as a matter or course, be invited to attend the meeting with the maximum possible notice being given. Similarly whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 11.2 Ward Councillors should be notified in advance about any issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.
- 11.3 Officers are reminded of the protocol for consulting Ward Councillors before exercising delegated powers (Part 3 – Discharge of Council Functions pages 83-84).

## Correspondence

- 12.1 Unless a member or officer requests confidentiality, it is to be assumed that correspondence between a Member and an officer is not confidential and may be shown to others (an obvious exception is where an issue relates to an individual constituent and would normally be treated in confidence). If, in an officer's view, correspondence between an individual member and an officer is of interest to other members, to keep them fully informed, it should be made clear to the original member that copies have been sent to other members.

- 12.2 Where issues are raised by, or with, individual members relating to a matter of general interest in a ward, (as it is in the best interests of the Council to ensure that all members are properly informed of general issues in their Ward), copies of correspondence will normally be sent to all members for the Ward and the appropriate Executive Councillor. However, a member may specifically request that correspondence is not copied to other members and/or there may be a political, or other reason, why it is not appropriate to do so.
- 12.3 Where an officer sends information on his/her own initiative to an Executive Councillor, copies will be provided to the relevant minority spokesperson(s) and Chair of Scrutiny.
- 12.4 Official letters sent on behalf of the Council should normally be in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a member, but this should be the exception rather than the norm.

### Member support services

- 13.1 The Council provides a range of support services, including stationery, typing and postage to enable Members 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 except for the administration of party group meetings (but not attending or minuting such meetings).

### Unresolved issues and amendments to this Protocol

- 14.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant Member or officer may discuss the matter with the Chief Executive with a view to advice being provided.

- 14.2 Should any Member or officer wish to suggest an amendment to this protocol, he/she is asked to contact either the Chief Executive or Director of Customer & Democratic Services.
- 14.3 Any amendments require approval of Council on the recommendation of the Civic Affairs Committee. The Standards Committee and any other relevant body may be consulted on issues raised by the Protocol and on proposed amendments when appropriate.