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Terms of Reference

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PART 4 – Rules of procedure

Council procedure rules

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1. **Annual meeting of the council**

1.1 **Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place between 8 and 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

1.2 The annual meeting will:

(1) elect a person to preside if the chairman of the council is not present;

(2) elect the chairman of the council;

(3) elect the vice-chairman of the council;

(4) receive declarations of interest under council procedure rule 8;

(5) receive apologies for absence;

(6) approve the minutes of the last meeting;
(7) deal with any matters arising from the minutes;

(8) deal with any business required by law to be done first;

(9) receive, in a year of ordinary election, the report of the returning officer on the result of elections;

(10) deal with any business remaining from the last meeting;

(11) receive any announcements from the chairman and/or head of paid service;

(12) elect the leader;

(13) appoint the overview and scrutiny committee, a standards 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 (as set out in part 3, table 1 of this constitution);

(14) agree the scheme of delegation – or such part of it as the constitution determines it is for the council to agree (as set out in part 3 table 3 of this constitution);

(15) approve a programme of ordinary meetings of the council for the year;

(16) consider any business set out in the notice convening the meeting;

(17) answer any questions under council procedure rules 10 and 12;

(18) consider motions under council procedure rule 13 and

(19) deal with any matters authorised by the chairman as urgent business.

1.3 Selection of councillors on committees and outside bodies

(1) At the annual meeting, the council will:
(a) decide which committees to establish for the municipal year;

(b) decide the size and terms of reference for those committees;

(c) decide the allocation of seats to political groups in accordance with the political balance rules;

(d) receive nominations of councillors and substitute councillors to serve on committees;

(e) appoint to those committees councillors and substitutes;

(f) receive nominations to serve on outside bodies and appoint to those outside bodies except where appointment to those bodies has been delegated by the council or is exercisable by the cabinet;

(g) appoint the chairmen and vice chairmen of committees and

(h) confirm or deny the appointment of the co-opted members of the standards committee.

1.4 Substitute members on committees and working groups

(1) Appointed substitute members may attend meetings in that capacity to take the place of the member for whom they are substituting.

(2) Written notice of substitution must be given to the assistant director governance and business support no later than 9 am on the day of the meeting of the intended substitution.

(3) If the appointed member is present when the meeting begins, the substitution will not have effect for that meeting.

(4) If the appointed member arrives when the meeting is in progress, the substitution will remain effective. It is not possible to substitute for part of a meeting.
(5) At the commencement of the meeting the committee officer will inform the meeting of the substitution.

(6) Cabinet members shall not be appointed as substitutes on the overview and scrutiny committee.

(7) Meetings of the full council can receive nominations to change named substitutes provided the nomination has been made in writing to the assistant director governance and business support at least seven clear working days before the council meeting which is to receive the nomination.

1.5 **Substitution Scheme**

(1) Substitute members may be appointed as follows

<table>
<thead>
<tr>
<th>Committee/Panel</th>
<th>Substitutes permitted</th>
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<tr>
<td>Overview and Scrutiny Committee, Planning Committee, Awards Panel, Audit Committee</td>
<td>Substitute members may substitute for any member from the same political group subject to where relevant mandatory training has been taken</td>
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<tr>
<td>Standards Committee, Licensing &amp; Regulatory Committee, Time and Task Limited Panels, Appeals Panel, Service Improvement &amp; Efficiency Committee</td>
<td>No substitutes permitted</td>
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1.6 **Casual vacancies**

(1) In the event of a casual vacancy arising during the municipal year the political balance on committees and sub-committees will be recalculated.

(2) In the event of the vacancy arising in the office of chairman of the council, a committee or sub-committee, the vice-chairman shall assume the office of chairman until the next annual meeting.
(3) In the event of the vacancy arising in the office of leader of the council, an extraordinary meeting of the council will be called to elect the leader.

2. **Ordinary meetings**

2.1 Ordinary meetings of the council will take place in accordance with a programme decided at the council’s annual meeting. Ordinary meetings will:

(1) elect a member or officer to preside if the chairman and vice chairman are not present;

(2) receive declarations of interest under council procedure rule 8;

(3) receive apologies for absence;

(4) approve the minutes of the last meeting;

(5) deal with any matters arising from the minutes;

(6) deal with any business required by law to be done first;

(7) receive any announcements from the chairman, leader, members of the cabinet or the head of paid service;

(8) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the council;

(9) deal with any business from the last council meeting;

(10) receive reports from the overview and scrutiny committee, the cabinet and the council’s other committees and receive questions and answers on any of those reports;

(11) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
(12) answer questions under council procedure rules 10 and 12;

(13) consider motions under council procedure rule 13;

(14) appoint councillors to serve on committees and outside bodies in place of councillors so appointed at the annual meeting provided the nomination has been made in writing to the assistant director governance and business support at least ten working days before the council meeting;

(15) consider any other business specified in the summons to the meeting, including consideration of proposals from the cabinet in relation to the council’s budget and policy framework and reports of the overview and scrutiny committee for debate and

(16) deal with any matters authorised by the chairman as urgent business.

3. Extraordinary meetings

3.1 Calling extraordinary meetings

(1) Those listed below may request the proper officer to call council meetings in addition to ordinary meetings:

(a) the council by resolution;

(b) the chairman of the council;

(c) the monitoring officer and

(d) any five members of the council if they have signed a requisition presented to the chairman of the council and he has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.

3.2 Business

(1) Any request for an extraordinary meeting must specify the business to be dealt with. No other business can be
considered at the extraordinary meeting.

4. **Time and place of meetings**

4.1 The time and place of meetings will be determined by the proper officer and notified in the summons.

5. **Notice of and summons to meetings**

5.1 The proper officer will give notice to the public of the time and place of any meeting in accordance with the access to information procedure rules in part 4 of this constitution.

5.2 At least five clear working days before a meeting, the proper officer will send a summons signed by him by post to every member of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by all reports to be considered at the meeting.

5.3 In exceptional cases as determined by the proper officer reports may be circulated at a later date.

6. **Chairman of meeting**

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

6.2 Where these rules apply to committee and sub-committee meetings, references to the chairman also include the chairman of committees and sub-committees.

7. **Quorum**

7.1 The quorum of a meeting will be one third of the whole number of members (rounded up to the nearest whole number), with a minimum of three members.

7.2 The quorum for the planning committee will be one half of the membership rounded up to the nearest whole number.
7.3 The quorum of any three member committee, panel or sub-committee shall be two members.

7.4 During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. **Interests to be declared at meetings**

8.1 Except as provided otherwise in the members’ code of conduct contained in part five of this constitution, as soon as possible at the beginning of a meeting, or as soon as it becomes apparent in the meeting, members of the council or of the cabinet, a committee, a sub-committee, a joint committee, a joint sub-committee or area committee, must declare the existence and nature of any disclosable pecuniary interest, non disclosable pecuniary interest or non pecuniary interest in the business to be discussed.

8.2 If the interest is also a pecuniary interest the member must leave the room in which the meeting is being held whilst the business is being considered, unless:

(1) the member attends the meeting for the purpose of making representations, answering questions or giving evidence relating to the business and leaves immediately after doing so; or

(2) the member has been granted a dispensation by the monitoring officer.

8.3 A member who has disclosed an interest must notify the chairman immediately before leaving the meeting.

9. **Duration of meeting**

9.1 The duration of meetings will be at the discretion of the chairman.
10. **Questions from the public**

10.1 **General**

Members of the public may ask questions of members of the cabinet, the leader of the council and any chairman of a committee at the annual general meeting and at ordinary meetings of the council but not at extraordinary meetings.

10.2 **Order of questions**

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

10.3 **Notice of questions**

(1) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday five working days before the day of the meeting.

(2) Each question must give the name and address of the questioner and must name the member of the council to whom it is to be put.

10.4 **Number of questions**

(1) At any one meeting no person may submit more than three questions and no more than three such questions may be asked on behalf of one organisation.

(2) The time allowed for public questions shall be 30 minutes unless the chairman rules otherwise.

10.5 **Scope of questions**

The proper officer may reject a question if it:

(a) is not about a matter for which the local authority has a responsibility or which affects the local authority area;

(b) is defamatory, frivolous or offensive;
(c) is substantially the same as a question which has been put at a meeting of the council in the past six months; or

(d) requires the disclosure of confidential or exempt information.

10.6 **Record of questions**

(1) The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

(2) Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 **Asking the question at the meeting**

(1) The chairman will invite the questioner to put the question to the member named in the notice.

(2) If a questioner who has submitted a written question is unable to be present, the chairman may ask the question on the questioner’s behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with at the meeting.

10.8 **Supplementary question**

(1) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his original question. A supplementary question must arise directly out of the original question or the reply.

(2) The chairman may reject a supplementary question on any of the grounds in rule 10.5 above.

10.9 **Written answers**

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 questioner or of the member to whom it was to be put, will be dealt with by a written answer.

10.10 **Reference of question to the cabinet or a committee**

Unless the chairman 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 cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11. **Public speaking at council meetings**

11.1 Members of the public may speak at council meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.

11.2 Speakers must advise the assistant director governance and business support of their wish to speak two clear working days before the council meeting.

11.3 The time allowed for public speakers will be fifteen minutes. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.

12. **Questions by members**

12.1 **On reports of the cabinet or committees**

A member of the council may ask the leader, or a chairman of a committee, any question without notice upon an item of the report of the cabinet or a committee when that item is being received or under consideration by the council.

12.2 **Questions on notice at full council**

Subject to rule 12.4, a member of the council may ask:

(a) the chairman;

(b) a member of the cabinet;
(c) the leader; or

(d) the chairman of any committee or sub-committee

a question on any matter in relation to which the council has powers or duties or which affects Broadland.

12.3 **Questions on notice at committees and sub-committees**

Subject to rule 12.4, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the council has powers or duties or which affect Broadland and which falls within the terms of reference of that committee or sub-committee.

12.4 **Notice of questions**

A member may only ask a question under rule 12.2 or 12.3 if either:

(a) they have given at least five working days notice in writing of the question to the proper officer; or

(b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the proper officer by midday on the last working day before the meeting.

12.5 **Response**

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
12.6 **Supplementary question**

(1) A member asking a question under rule 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked.

(2) The supplementary question must arise directly out of the original question or the reply.

12.7 **Time limits**

(1) The time available to the questioner will be two minutes initially with one minute allowed for a supplementary question.

(2) The respondent shall have five minutes initially to reply and two minutes to reply to a supplementary question.

13. **Motions on notice**

13.1 **Notice**

(1) Except for motions which can be moved without notice under rule 14, written notice of every motion, signed by at least two members and stating the date of the council meeting to which the motion is to be submitted, must be delivered to the assistant director governance and business support not later than seven clear working days before the date of the meeting.

(2) On receipt, the notice will be dated, numbered and entered in a book which anyone can inspect.

13.2 **Motion set out in agenda**

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

Motions must be about matters for which the council has a responsibility or which affect Broadland.

14. **Motions without notice**

The following motions may be moved without notice:

(a) to appoint a chairman of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business on the agenda;

(d) to refer something to an appropriate body or individual (provided that this does not apply to a reference back to cabinet of a resolved matter, except in accordance with the overview and scrutiny procedure rules in part 4 of this constitution);

(e) to appoint a committee or member arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion (other than one made under rule 13.1);

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular council procedure rule;
(n) to exclude the public and press in accordance with the access to information procedure rules;

(o) to not hear further a member named under rule 21.3 or to adjourn the meeting under rule 21.4;

(p) to give the consent of the council where its consent is required by this constitution and

(q) to record the council’s appreciation or condolence.

15. **Rules of debate**

15.1 **No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

15.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the chairman may require it to be written down and handed to him before it is discussed.

15.3 **Seconder’s speech**

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

15.4 **Content and length of speeches**

(1) Speeches must be directed to the question under discussion or to a personal explanation or point of order.

(2) The speech made by the proposer of any motion or amendment after it has been moved and seconded must not last longer than five minutes. Other speeches must not last longer than three minutes.
15.5 **When a member may speak again**

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

(a) to speak once on an amendment moved by another member;

(b) to move a further amendment if the motion has been amended since he last spoke;

(c) if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order and

(f) by way of personal explanation.

15.6 **Amendments to motions**

(1) An amendment may be moved to a motion under rule 13.1 prior to its referral to committee but only after:

(a) notice of the amendment is given in writing to the assistant director governance and business support by 4pm on the last working day before the day of the meeting and

(b) that notice gives the names of a proposer and seconder.

(2) Copies of the notice of amendment will be made available to every member present at the council meeting. The amendment may be moved at the council meeting by either the proposer or his seconder, or by other members acting on their behalf.

(3) An amendment to all other motions (excluding procedural motions under rule 15.10) 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 (provided that this does not apply to a reference back to cabinet of a resolved matter, except in accordance with the overview and scrutiny procedure rules in part 4 of this constitution);

(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 (a) to (d) is not to negate the motion.

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

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

(6) 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.

(7) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 Alteration of motion

(1) A member may alter a motion of which he has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

(2) A member may alter a motion, which he has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.
(3) Only alterations, which could be made as an amendment, may be made.

15.8 Withdrawal of motion

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

15.9 Right of reply

(1) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(2) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(3) The mover of the amendment has the final right of reply to the debate on his amendment.

15.10 Motions which may be moved during debate including closure motions

(1) When a motion is under debate, no other motion may be moved except the following procedural motions which must be duly seconded. No amendment may be moved to a procedural motion.

(a) to withdraw a motion;

(b) to amend a motion;

(c) to move to the next item of business on the agenda;

(d) to put the question being discussed to the vote immediately;

(e) to adjourn the debate;
(f) to adjourn the meeting;

(g) to exclude the public and press in accordance with the access to information procedure rules;

(h) to not hear further a member named under rule 21.3 or to adjourn the meeting under rule 21.4 and

(i) to give the agreement of the council where it is required by these rules.

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

(3) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.

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

15.11 **Point of order**

(1) A point of order is a request to the chairman for a ruling on any illegality or irregularity in the constitution or conduct of the meeting.

(2) A member may raise a point of order at any time. The chairman will hear them immediately.

(3) A point of order may only relate to an alleged breach of these council procedure rules or the law. The member must
indicate the rule or law and the way in which he considers it has been broken.

(4) The ruling of the chairman on the matter will be final.

15.12 **Personal explanation**

(1) 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.

(2) The ruling of the chairman on the admissibility of a personal explanation will be final.

16. **Previous decisions and motions**

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 a third of the members (rounded up to the nearest whole number).

16.2 **Motion similar to one previously rejected**

(1) 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 a third of the members (rounded up to the nearest whole number).

(2) Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. **Voting**

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 question was put.
17.2 Chairman’s casting vote

(1) If there are equal numbers of votes for and against, the chairman will have a second or casting vote.

(2) There will be no restriction on how the chairman chooses to exercise his casting vote.

17.3 Show of hands

(1) Unless a recorded vote is demanded under rule 17.4(1), the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

(2) Members voting by show of hands will raise their hand or otherwise indicate clearly and will continue to do so until the vote has been counted.

(3) The result will be announced by the committee officer whose decision on the votes cast for, against and any abstentions shall be final.

17.4 Recording of votes

(1) If one sixth rounded up of the members present at the meeting demand it by indicating appropriately, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

(2) A member’s vote will only be recorded if he says that he is “for” or “against” the motion, or is abstaining, immediately after his name is called.

(3) A member at a meeting of the council, a committee, sub-committee or any joint committee of the council and its committees and sub-committees, may request immediately after a vote is taken that his vote for or against a motion or his abstention is recorded in the minutes of the meeting and his vote shall be so recorded in the minutes.
(4) In accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 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 the council tax. As this is a mandatory requirement this Procedural Rule cannot be suspended.

17.5 Voting on appointments

Voting to fill appointments to or by the council will be as follows:

(a) Single vacancy

(i) One candidate – members of the council will be invited to vote for or against the candidate by a show of hands.

(ii) Two or more candidates – members of the council will be invited to vote for each candidate by a show of hands. The candidate receiving the highest number of votes will be appointed. In the event of an equality of votes between two or more candidates there will be a further vote between the candidates concerned when the chairman may use his casting vote to determine the matter.

(b) Two or more vacancies

(i) Insufficient number of candidates – where the number of candidates nominated does not exceed the number of vacancies to be filled members of the council will be invited to vote for or against the candidates by a show of hands.

(ii) More candidates than there are vacancies – members of the council will be invited to vote for each candidate by a show of hands. Each member may vote for up to as many candidates as there are vacancies. The candidates with the highest number of votes will be appointed until each vacancy is filled.
18. **Minutes**

18.1 **Signing the minutes**

(1) The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record.

(2) The only part of the minutes that can be discussed is their accuracy.

18.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 **Form of minutes**

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

19. **Record of attendance**

19.1 All members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance and validation of allowances claims.

20. **Exclusion of public**

20.1 Members of the public and press may only be excluded either in accordance with the access to information procedure rules in part 4 of this constitution or rule 23 (disturbance by public).
21. **Members’ conduct**

21.1 **Indicating to speak**

(1) A member wishing to speak at full council should signify his wish by indicating appropriately to the chairman.

(2) When a member speaks at full council he must address the meeting through the chairman.

(3) If more than one member wishes to speak, the chairman will ask one to speak and the others must remain silent.

(4) Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation when they must indicate to the chairman appropriately.

(5) Members must refer to one another in meetings by their correct title of “chairman” or “councillor”.

21.2 **Chairman calling order**

When the chairman indicates he wishes to speak during a debate, any member speaking at the time must stop. The meeting must be silent.

21.3 **Member not to be heard further**

(1) If a member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the member be not heard further.

(2) If seconded, the motion will be voted on without discussion and the reasons for the decision will be recorded in the minutes.

21.4 **Meeting to be adjourned for a specified period**

(1) If the member continues to behave improperly after such a motion is carried, the chairman may move that the meeting is
adjourned for a specified period.

(2) If seconded, the motion will be voted on without discussion and the reasons for the decision will be recorded in the minutes.

21.5 **General disturbance**

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

22. **Recording of meetings**

Any filming or recording of public meetings must be undertaken in full compliance with the protocol adopted by the council for the filming and recording of public meetings.

23. **Disturbance by public**

23.1 **Removal of member of the public**

(1) If a member of the public interrupts proceedings, the chairman will warn the person concerned.

(2) If they continue to interrupt, the chairman will order their removal from the meeting room.

23.2 **Clearance of part of meeting room**

(1) If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared.

24. **Suspension and amendment of council procedure rules**

24.1 **Suspension**

(1) Any of these council procedure rules except rules 17.4(3) and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the council are present.
(2) Suspension can only be for the duration of the meeting and the reasons for the suspension will be recorded in the minutes.

24.2 Amendment

Any motion to add to, vary or revoke these council procedure rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

25. Application to committees and sub-committees

25.1 All of the council procedure rules apply to meetings of full council.

25.2 Rules 2.1(1), 7, 8, 12.3, 12.4, 12.5, 12.6, 12.7, 14, 15.1, 15.5, 15.7, 15.8, 15.9, 15.10, 15.11, 17, 18, 19, 20, 21, 22, 23, 26 and 27 apply to meetings of committees and sub-committees with any necessary modifications, meetings of the overview and scrutiny committee and the quorum for any three member panel or committee.

26. Interpretation of council procedure rules

26.1 The chairman’s ruling on the interpretation of these rules will be final.

27. Meetings held in accordance with section 78 of the Coronavirus Act 2020

Procedure Rules 27.1 – 27.8 should be read in conjunction with the council’s pre-existing Procedure Rules. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, the Virtual Meeting Procedure Rules take precedence in relation to any remote meeting.

27.1 No requirement to hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded
and, prior to 7 May 2021, an Annual Meeting of Council may only take place:

(a) where called by the Chairman of the Council; or

(b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

27.2 **Access to information**

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

(a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and

(b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

27.3 **Remote access to meetings**

(a) For all purposes of the Constitution, the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:

(i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and

(ii) “open to the public” includes access to the meeting being through remote means including (but not limited to): video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not
members of the public are able to attend the meeting in person; and

(b) If the Chairman is made aware that a public meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

27.4 Members in remote attendance

(a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

(i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.

(ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and

(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

(b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate:

(i) adjourn the meeting for a short period to permit the
conditions for remote attendance of a Member contained in (a) above to be re-established;

(ii) count the number of Members in attendance for the purposes of the quorum; or

(iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

27.5 Remote attendance by members of the public

(a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

(i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;

(ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and

(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

(b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Procedure Rule 27.5(a) above are not met. In such circumstance the Chairman may, as he or she deems appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Procedure Rule 27.5(a) above to be re-established;
(ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or

(iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

27.6 Remote voting

Unless a recorded vote is demanded [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chairman (procedure rule 17.4),] the Chairman will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

27.7 Members excluded from the meeting

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

27.8 Exclusion of press and public

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) and/or recording the proceedings during consideration of items that are “exempt” (as defined in Schedule 12A of the Local Government Act 1972).
Access to information procedure rules

1. **Scope – executive arrangements**

   1.1 These rules apply to public access to information in respect of all meetings of the council, the overview and scrutiny committee, area committees (if any), the standards and licensing & regulatory committees and public meetings of the cabinet (together called meetings).

2. **Additional rights to information**

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

3. **Rights to attend meetings**

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

4. **Notices of meeting**

   4.1 The council will give at least five clear working days notice of any meeting by posting details of the meeting at Thorpe Lodge and on the council’s website.

5. **Access to agenda and reports before the meeting**

   5.1 The council will make copies of the agenda and reports which are open to the public available for inspection at the designated office at least five clear working days before the meeting.

   5.2 If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.
6. **Supply of copies**

6.1 The council will supply copies of:

   (1) any agenda and reports which are open to public inspection;

   (2) any further statements or particulars necessary to indicate the nature of the items in the agenda and

   (3) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

   to any person on payment of such charges (if any) for postage and any other costs as the proper officer decides.

7. **Access to minutes etc after the meeting**

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

   (1) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

   (2) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

   (3) the agenda for the meeting and

   (4) reports relating to items when the meeting was open to the public.

8. **Background papers**

8.1 **List of background papers**

   (1) The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:
(a) disclose any facts or matters on which the report or an important part of the report is based and

(b) which have been relied on to a material extent in preparing the report

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

8.2 Public inspection of background papers

(1) The council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of public’s rights

9.1 A written summary of the public’s rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the council’s main offices and on the council’s website.

10. Exclusion of access by the public to meetings

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

(1) 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.

(2) Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that
the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in article 6.

### 10.3 Meaning of confidential information

(1) Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

### 10.4 Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition):

<table>
<thead>
<tr>
<th>Category</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Information relating to any individual.</td>
<td></td>
</tr>
<tr>
<td>(2) Information which is likely to reveal the identity of an individual.</td>
<td></td>
</tr>
<tr>
<td>(3) Information relating to the financial or business affairs of a particular person (including the authority holding that information).</td>
<td>Information is not exempt information if it is required to be registered under – (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.</td>
</tr>
<tr>
<td>Category</td>
<td>Condition</td>
</tr>
<tr>
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<tr>
<td>(4)</td>
<td>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. “Labour relations matters” means any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Unions and Labour Relations Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act) or any dispute about such a matter.</td>
</tr>
<tr>
<td>(5)</td>
<td>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</td>
</tr>
<tr>
<td>(6)</td>
<td>Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.</td>
</tr>
<tr>
<td>(7)</td>
<td>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</td>
</tr>
</tbody>
</table>

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

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of the paragraph 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.

Where a meeting of a standards committee is convened to consider a matter referred under the provisions of section 60 (2) or (3), 64 (2), 70 (4) or (5) or 71 (2) of the Local Government Act 2000.

<table>
<thead>
<tr>
<th>Category</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>(7A)</td>
<td>Information which is subject to any obligation of confidentiality.</td>
</tr>
<tr>
<td>(7B)</td>
<td>Information which relates in any way to matters concerning national security.</td>
</tr>
<tr>
<td>(7C)</td>
<td>The deliberations of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60 (2) or (3), 64 (2), 70 (4) or (5) or 71 (2) of that Act.</td>
</tr>
</tbody>
</table>
11. **Exclusion of access by the public to reports**

11.1 If the proper officer thinks fit, the council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public.

11.2 Such reports will be headed up “Not for publication” together with the category of information likely to be disclosed printed on pink paper with the word Exempt as a watermark.

12. **Application of rules to the cabinet**

12.1 Rules 13 – 24 apply to the cabinet and its committees. If the cabinet or its committees meet to take a key decision then it must also comply with rules 1 – 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in article 13.3 (2) of this constitution.

12.2 If the cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer, other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with rules 1 – 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in article 13.3 (2) of this constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. **Procedure before taking key decisions**

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

(1) a notice (called here a forward plan) has been published in connection with the matter in question;

(2) at least five clear working days have elapsed since the publication of the forward plan and

(3) where the decision is to be taken at a meeting of the cabinet
or its committees, notice of the meeting has been given in accordance with rule 4 (notice of meetings).

14. **The forward plan**

14.1 **Period of forward plan**

(1) Forward plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 **Contents of forward plan**

(1) The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the cabinet, a committee of the cabinet, individual members of the cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made;

(b) where the decision taker is an individual, his name and title, if any, and where the decision taker is a body, its name and a list of its members;

(c) the date on which, or the period within which, the decision will be taken;

(d) the identity of the principal groups or organisations whom the decision taker proposes to consult before making the decision;

(e) the means by which any such consultation is proposed to be undertaken;

(f) the steps any person might take who wishes to make
representations to the executive or decision maker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken and

(g) a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made.

(2) The forward plan must be published at least 14 clear days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

(a) that key decisions are to be taken on behalf of the council;

(b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;

(c) that the forward plan will contain details of the key decisions to be made for the four month period following its publication;

(d) that each forward plan will be available for inspection at reasonable hours free of charge at the council’s offices;

(e) that each forward plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;

(g) that other documents may be submitted to decision takers;
(h) the procedure for requesting details of documents (if any) as they become available and

(i) the dates on each month in the following year on which each forward plan will be published and available to the public at the council’s offices.

(3) Exempt information need not be included in a forward plan and confidential information cannot be included.

15. General exception

15.1 If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rule 16 (special urgency), the decision may still be taken if:

(1) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

(2) the proper officer has informed the chairman of the overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

(3) the proper officer has made copies of that notice available to the public at the offices of the council and

(4) at least five clear working days have elapsed since the proper officer complied with (2) and (3).

15.2 Where such a decision is taken collectively, it must be taken in public.
16. **Special urgency**

16.1 If by virtue of the date by which a decision must be taken rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of the overview and scrutiny committee, or if the chairman of the overview and scrutiny committee is unable to act, then the agreement of the chairman of the council, or in his absence the vice chairman.

17. **Report to council**

17.1 **When the overview and scrutiny committee can require a report**

(1) If the overview and scrutiny committee thinks that a key decision has been taken which was not:

(a) included in the forward plan; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with the overview and scrutiny committee chairman, or the chairman/vice chairman of the council under rule 16;

the committee may require the cabinet to submit a report to the council within such reasonable time as the committee specifies.

(2) The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the chairman or one third of the members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the overview and scrutiny committee.
17.2 **Cabinet’s report to council**

(1) The cabinet will prepare a report for submission to the next available meeting of the council. However, if the next meeting of the council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

(2) The report to council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

17.3 **Quarterly reports on special urgency decisions**

(1) In any event the leader will submit quarterly reports to the council on the executive decisions taken in the circumstances set out in rule 16 (special urgency) in the preceding three months.

(2) The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. **Record of decisions**

18.1 After any meeting of the cabinet or any of its committees, whether held in public or private, the proper officer will produce a record of every decision taken at that meeting as soon as practicable.

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

19. **Notice of meeting of the cabinet**

19.1 Members of the cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
19.2 The notice will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by all reports to be considered at the meeting. A copy of the notice, together with the accompanying reports will also be sent to all other members of the council.

20. **Attendance at meetings of the cabinet**

20.1 All meetings of the cabinet will take place in public. The head of paid service, the chief finance officer and the monitoring officer and their nominees are entitled to attend any meeting of the cabinet and its committees.

20.2 The cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

21. **Decisions by individual members of the cabinet**

21.1 **Reports intended to be taken into account**

   (1) Where an individual member of the cabinet receives a report which he intends to take into account in making any key decision, then he will not make the decision until at least five clear working days after receipt of that report.

21.2 **Provision of copies of reports to the overview and scrutiny committee**

   (1) On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of the overview and scrutiny committee as soon as reasonably practicable and make it publicly available at the same time.

21.3 **Record of individual decision**

   (1) As soon as reasonably practicable after an executive decision has been taken by an individual member of the cabinet or a key decision has been taken by an officer, he will prepare, or instruct the proper officer to prepare, a record of
the decision, a statement of the reasons for it and any alternative options considered and rejected.

(2) The provisions of rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

22. Overview and scrutiny committee's access to documents

22.1 Rights to copies

(1) Subject to rule 22.2 below, the overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to:

(a) any business transacted at a public or private meeting of the cabinet or its committees; or

(b) any decision taken by an individual member of the cabinet.

22.2 Limit on rights

(1) The overview and scrutiny committee will not be entitled to:

(a) any document that is in draft form;

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

(c) the advice of a political adviser.
23. **Additional rights of access for members**

23.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs (1) to (2) (4) to (5) and (7) of the categories of exempt information; or,

(b) it contains the advice of a political adviser.

23.2 **Material relating to key decisions**

(1) All members of the council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the cabinet or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

23.3 **Nature of rights**

(1) These rights of a member are additional to any other right he may have.
Budget and policy framework procedure rules

1. **The framework for executive decisions**

   1.1 The council will be responsible for the adoption of its budget and policy framework as set out in article 4.

   1.2 Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

2. **Process for developing the framework**

   2.1 Six months before a plan/strategy/budget needs to be adopted, the cabinet will publish initial proposals for the budget and policy framework and determine how any consultation will be undertaken.

      (1) Details of the cabinet’s consultation process shall be included in relation to each of these matters in the forward plan published at the council’s main offices and available on the council’s website and published in the press.

      (2) Any representations made to the cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them.

      (3) If the matter is one where the overview and scrutiny committee has carried out a review of policy, then the outcome of that review will be reported to the cabinet and considered in the preparation of initial proposals.

   2.2 The cabinet’s initial proposals shall be referred to the overview and scrutiny committee for further advice and consideration.

      (1) The proposals will be referred by sending a copy to the proper officer, who will forward them to the chairman of the overview and scrutiny committee. If there is no such chairman a copy must be sent to every member of that committee.
(2) The overview and scrutiny committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration and having particular regard not to duplicate any consultation carried out by the cabinet.

(3) The overview and scrutiny committee shall report to the cabinet on the outcome of its deliberations.

(4) The overview and scrutiny committee shall have six weeks to respond to the initial proposals of the cabinet unless the cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny committee of the time for response when the proposals are referred to it and the reasons for the delay. In December each year a joint meeting is held between the overview and scrutiny committee and the cabinet as part of the budget consultation process.

2.3 Having considered the report of the overview and scrutiny committee, the cabinet, if it considers it appropriate, may amend its proposals before submitting them to the council meeting for consideration. It will also report to council on how it has taken into account any recommendations from the overview and scrutiny committee.

2.4 The council will consider the proposals of the cabinet and may adopt them, amend them, refer them back to the cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the council shall have before it the cabinet’s proposals and any report from the overview and scrutiny committee.

2.5 Before the council

(1) amends the draft plan or strategy;

(2) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of
which any part is required to be so submitted; or

(3) adopts (with or without modification) the plan or strategy,

it must inform the leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

2.6 Where the council gives instructions in accordance with rule 2.5, it must specify a period of at least five clear 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:

(1) submit a revision of the draft plan or strategy as amended by the cabinet (the “revised draft plan or strategy”), with the cabinet’s reasons for any amendments made to the draft plan or strategy, to the council for the council's consideration; or

(2) inform the council of any disagreement that the cabinet has with any of the council’s objections and the cabinet’s reasons for any such disagreement.

2.7 When the period specified by the council, referred to in rule 2.6, has expired, the council must, when:

(1) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(2) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(3) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the cabinet’s reasons for those amendments, any disagreement that the cabinet has with any of the council’s objections and the
cabinet’s reasons for that disagreement, which the leader submitted to the council, or informed the council of, within the period specified.

2.8 Subject to rule 2.12, where, before 8 February in any financial year, the cabinet submits to the council for its consideration in relation to the following financial year:

(1) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

(2) estimates of other amounts to be used for the purpose of such a calculation;

(3) estimates of such a calculation; or

(4) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the council has any objections to them, it must take the action set out in rule 2.9.

2.9 Before the council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in rule 2.8 (1), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the leader of any objections which it has to the cabinet’s estimates or amounts and must give to him instructions requiring the cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the council’s requirements.

2.10 Where the council gives instructions in accordance with rule 2.9 it must specify a period of at least five working days beginning on the day after the date on which the leader receives the instructions on behalf of the cabinet within which the leader may:
(1) submit a revision of the estimates or amounts as amended by the cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the council’s requirements, with the cabinet’s reasons for any amendments made to the estimates or amounts, to the council for the council’s consideration; or

(2) inform the council of any disagreement that the cabinet has with any of the council’s objections and the cabinet’s reasons for any such disagreement.

2.11 When the period specified by the council referred to in rule 2.10 has expired, the council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in rule 2.8 (1), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

(1) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(2) the cabinet’s reasons for those amendments;

(3) any disagreement that the cabinet has with any of the authority’s objections; and

(4) the cabinet’s reasons for that disagreement, which the executive leader submitted to the council, or informed the council of, within the period specified.

2.12 Rules 2.8 to 2.11 shall not apply in relation to:

(1) calculations or substitute calculations which the council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(2) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
2.13 In approving the budget and policy framework, the council will also specify the extent of virement allowed within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with rules 5 and 6 of these rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the council.

3. **Decisions outside the budget or policy framework**

3.1 Subject to the provisions of rule 5 (virement) the cabinet, committees of the cabinet, portfolio holders and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework.

3.2 If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the council, subject to rule 4 below.

3.3 Any of the bodies or persons proposing to make such a decision shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

3.4 If the advice of either of those officers is that the decision would not be in line with the existing budget 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 4 (urgent decisions outside the budget and policy framework) shall apply.

4. **Urgent decisions outside the budget or policy framework**

4.1 The cabinet, a committee of the cabinet, portfolio holders or officers, or joint arrangements discharging executive functions, may take a decision which is contrary to the council’s policy framework or contrary to or not wholly in accordance with the budget approved by full council if the decision is a matter of urgency. However, the decision may only be taken:
(1) if it is not practical to convene a quorate meeting of the full council and

(2) if the chairman of the overview and scrutiny committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of full council and the chairman of the 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 chairman of the overview and scrutiny committee the consent of the chairman of the council, and in the absence of both, the vice-chairman, will be sufficient.

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

5 Virement

5.1 The council shall have the following budget heads:

(1) General Revenue Fund

(2) Collection Fund

(3) Capital Account

5.2 Steps taken by the cabinet, a committee of the cabinet, portfolio holders or officers, or joint arrangements discharging executive functions to implement council policy shall not exceed those budgets allocated to each budget head as defined in the approved budget book.

5.3 However, such bodies or individuals shall be entitled to vire across budget heads on up to five occasions in any one year where each individual virement does not exceed £10,000, up to a maximum of £50,000 per year in aggregate, with a limit per individual virement of £10,000. Beyond that limit, approval to any virement across budget heads shall require the approval of the full council.
6. **In year changes to the budget or policy framework**

6.1 The responsibility for agreeing the budget and policy framework lies with the council and decisions by the cabinet, a committee of the cabinet, portfolio holders or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except those changes:

1. which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

2. necessary to ensure compliance with the law, ministerial direction or government guidance;

3. in relation to the policy framework in respect of a policy which would normally be agreed annually by the council following consultation, but where the existing policy document is silent on the matter under consideration.

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

7.1 Where the overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council’s budget, then it shall seek advice from the monitoring officer and/or chief finance officer.

7.2 In respect of functions, which are the responsibility of the cabinet, the monitoring officer’s report and/or chief finance officer’s report shall be to the cabinet with a copy to every member of the council. Regardless of whether the decision is delegated or not, the cabinet must meet to decide what action to take in respect of the monitoring officer’s report and/or the chief finance officer's report and to prepare a report to council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
7.3 If the decision has yet to be made, or has been made but not yet implemented and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to council.

7.4 In such cases, no further action will be taken in respect of the decision or its implementation until the council has met and considered the matter. The council shall meet within seven clear working days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer.

7.5 The council may:

(1) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council be minuted and circulated to all councillors in the normal way;

Or

(2) amend the council’s financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council be minuted and circulated to all councillors in the normal way;

Or

(3) where the council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or the chief finance officer.
Executive procedure rules

1. How does the executive operate?

1.1 Who may make executive decisions?

(1) The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the council. In either case, the arrangements may provide for executive functions to be discharged by:

(a) the cabinet as a whole;
(b) a committee of the cabinet;
(c) an individual member of the cabinet;
(d) an officer;
(e) joint arrangements; or
(f) another local authority.

1.2 Sub-delegation of executive functions

(1) Where the cabinet, a committee of the cabinet or an individual member of the cabinet is responsible for an executive function, they may delegate further to joint arrangements or an officer.

(2) Unless the leader directs otherwise, a committee of the cabinet to whom functions have been delegated may delegate further to an officer.

(3) Even where cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
The council’s scheme of delegation and executive functions

(1) The council’s scheme of delegation will be subject to adoption by the council and may only be amended by the council. It will contain the details required in article 7 and set out in part 3 of this constitution.

Conflicts of interest

(1) Where the leader has an interest, whether or not leading to a conflict of interest, this should be dealt with as set out in the council’s code of conduct for members in part 5 of this constitution.

(2) If every member of the cabinet has a conflict of interest this should be dealt with as set out in the council’s code of conduct for members in part 5 of this constitution.

(3) If the exercise of an executive function has been delegated to a committee of the cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the council’s code of conduct for members in part 5 of this constitution.

Cabinet meetings

(1) The cabinet will meet at least ten times per year at times to be agreed by the leader. The cabinet shall meet at the council’s main offices or another suitable location to be agreed by the leader.

(2) Meetings will take place in public in accordance with the access to information procedure rules in part 4 of this constitution.
1.6 **Quorum**

(1) The quorum for a meeting of the cabinet, or a committee of it, shall be four members of the cabinet (one of whom must be the leader or deputy leader).

1.7 **How are decisions to be taken by the executive?**

(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 procedure rules in part 4 of the constitution.

(2) Where executive decisions are delegated to a committee of the cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the cabinet as a whole.

2. **How are the cabinet meetings conducted?**

2.1 **Who presides?**

(1) If the leader is present he will preside. In his absence, then the deputy leader shall preside.

2.2 **Who may attend?**

(1) Attendance at meetings of the cabinet shall be in accordance with the access to information procedure rules in part 4 of this constitution.

2.3 **What business?**

(1) At each meeting of the cabinet the following business will be conducted:

(a) declarations of interest;

(b) consideration of the minutes of the last meeting;
(c) matters referred to the cabinet (whether by the overview and scrutiny committee or by the council) for reconsideration by the cabinet in accordance with the provisions contained in the overview and scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this constitution;

(d) consideration of reports from the overview and scrutiny committee and

(e) matters set out in the agenda for the meeting, which shall indicate which matters are key decisions in accordance with the access to information procedure rules set out in part 4 of this constitution.

(2) The cabinet shall consider the report of the overview and scrutiny committee and decide what action to take in respect of it. If a recommendation from the overview and scrutiny committee is not accepted by the cabinet the reasons for this shall be recorded in a resolution of the cabinet.

2.4 Consultation

(1) All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the overview and scrutiny committee and the outcome of that consultation.

(2) Reports about other matters will set out the details and outcome of consultation as appropriate.

(3) The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the cabinet agenda?

(1) The leader will decide upon the schedule for the meetings of the cabinet. He may put on the agenda of any cabinet meeting any matter which he wishes, whether or not authority
has been delegated to the cabinet, a committee of it or any member or officer in respect of that matter.

(2) The proper officer will comply with the leader’s requests in this respect.

(3) Items may be placed on the agenda by any of the following ways:

(a) Any member of the cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the cabinet for consideration. If he receives such a request the proper officer will comply.

(b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the cabinet where the overview and scrutiny committee or the full council have resolved that an item be considered by the cabinet. However, there may only be up to three such items on any one agenda.

(c) There will be a standing item on the agenda of each meeting of the cabinet for matters referred by the overview and scrutiny committee. However there may only be up to three such items per cabinet meeting.

(d) Any member of the council may ask the leader to put an item on the agenda of a cabinet meeting for consideration and if the leader agrees the item will be considered at the next available meeting of the cabinet. The notice of the meeting will give the name of the member who asked for the item to be considered. The member will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items per cabinet meeting.
(e) 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 the proper officer to call such a meeting in pursuance of their statutory duties.

(f) In other circumstances, where any two of the head of paid service, monitoring officer and chief finance officer are of the opinion that a meeting of the cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the person entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. Non cabinet members and public speaking at cabinet meetings

3.1 Non cabinet members may speak at cabinet meetings on any matter on the agenda for the meeting. Members of the public may speak at cabinet meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.

3.2 Public speakers must advise the assistant director governance and business support of their wish to speak two clear working days before the cabinet meeting.

3.3 The time allowed for speakers will be fifteen minutes for non cabinet members and fifteen minutes for public speakers. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.

3.4 At the discretion of the person chairing the cabinet meeting members may be permitted to speak on items on the agenda without complying with this rule.
Overview and scrutiny procedure rules

1. **Overview and scrutiny committee**

1.1 The overview and scrutiny committee shall be politically balanced and shall have a membership within the range of between 10 and 15 members, the final number being the most relevant to reflect the political balance of the council.

1.2 All members, except members of the cabinet, are eligible to be appointed to the overview and scrutiny committee.

1.3 The overview and scrutiny committee will undertake the role allocated to it in article 6 of the constitution.

2. **Standing policy panels**

1.1 The annual council meeting may establish and appoint standing policy panels. There are currently no standing policy panels.

2.1 Standing policy panels shall be politically balanced and shall have a membership within the range of between 7 and 10 or between 10 and 15 members, the final number being the most relevant to reflect the political balance of the council.

3.1 All members are eligible to be appointed to standing policy panels.

4.1 Within their area of responsibility, the standing policy panels will undertake the role allocated to them in article 6 of the constitution.

3. **Time and task limited panels**

3.1 The overview and scrutiny committee may appoint time and task limited panels. Time and task limited panels will not be politically balanced.

3.2 The composition, terms of reference and reporting arrangements of time and task limited panels will be determined by the overview and scrutiny committee and will be consistent with the role of time and task limited panels set out in article 6 of the constitution.
3.3 All members are eligible to be appointed to time and task limited panels.

4. **Sub-committees**

4.1 The overview and scrutiny committee may appoint sub-committees. Such sub-committees do not need to be politically balanced.

4.2 The composition, terms of reference and reporting arrangements of sub-committees will be determined by the overview and scrutiny committee and will be consistent with the role of sub-committees set out in article 6 of the constitution.

4.3 Only members of the overview and scrutiny committee shall be eligible to be appointed to sub-committees.

5. **Meetings of the overview and scrutiny committee**

5.1 There shall be at least 10 ordinary meetings of the overview and scrutiny committee in each year provided that a meeting may be cancelled by the proper officer following consultation with the chairman of the overview and scrutiny committee.

5.2 Extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by:

   (1) the chairman;

   (2) a majority of members of the committee; or

   (3) the proper officer if he considers it necessary or appropriate.

6. **Quorum**

1.1 The quorum for the overview and scrutiny committee shall be as set out for committees in rule 7 of the council procedure rules in part 4 of this constitution. Currently the quorum is one third of the membership rounded up to the nearest whole number.
7. Chairman and vice chairman

7.1 The chairman and vice chairman of the overview and scrutiny committee can be appointed from any member of the committee.

7.2 In the event that more than one group is represented on the cabinet and the cabinet includes members who do not belong to a political group, then the chairman of the overview and scrutiny committee shall be appointed from the group with the smallest representation on the cabinet (members who do not belong to a political group being treated as a group for the purpose of determining the group with the smallest representation) and the vice chairman will be appointed from the group with the next smallest representation on the cabinet.

8. Work programme

8.1 By article 6.5 (4) the overview and scrutiny committee must make an annual report to the council and make recommendations for future work programmes.

8.2 The overview and scrutiny committee will be responsible for proposing its work programme to the council for agreement and allocation of resources following consultation with the cabinet. The work programme proposed to the council will be prepared taking into account the wishes of members of the overview and scrutiny committee.

8.3 The work programme must provide for the review and scrutiny of the crime and disorder reduction partnership at least once in every twelve month period. The timetable for production of the work programme is as follows:

- June/July – overview and scrutiny committee develops its work programme for the next municipal year;
- August/September – cabinet develops its work programme;
- November – cabinet meets to consider both work programmes;
• December – council considers the proposed cabinet and overview and scrutiny work programmes for the forthcoming year, allocating resources for overview and scrutiny and establishing any standing policy panels in accordance with the views of the overview and scrutiny committee. Time and task limited panels are later established by the overview and scrutiny committee.

• May – the annual meeting appoints members to the overview and scrutiny committee and the standing panels.

8.4 The council may make amendments to the work programme only on the following grounds:

• previous consideration of the item by overview and scrutiny in the last 12 months;

• the item is not within the role of overview and scrutiny as set out in article 6; or

• it cannot be achieved within the resources available.

8.5 The overview and scrutiny committee may amend the work programme during the municipal year for one or more of the following reasons:

• in response to an item placed on the agenda for a meeting of the committee under rule 8;

• where the chairman of the committee considers that an item should be added to the work programme because it is urgent;

• in response to a request made by the council or the cabinet and

• in response to a request by a stakeholder.
9. **Agenda items**

9.1 Any member of the overview and scrutiny committee may give notice to the proper officer that he wishes an item to be included on the agenda for the next available meeting of the committee. On receipt of such a request, the proper officer will ensure that it is included on the next available agenda.

9.2 Any member of the council who is not a member of the overview and scrutiny committee may give written notice to the proper officer that he wishes an item to be included on the agenda of the committee. If the proper officer receives such a notification, then he will include the item on the first available agenda of the committee.

9.3 The overview and scrutiny committee shall respond, as soon as its work programme permits, to requests from the council and the cabinet, to review particular areas of council activity. Where it does so, the committee shall report its findings and any recommendations back to the cabinet and/or the council. The cabinet and/or the council shall consider the report at its next available meeting.

10. **Policy review and development**

10.1 The role of the overview and scrutiny committee in relation to the development of the council’s budget and policy framework is set out in detail in article 6 and the budget and policy framework procedure rules in part 4 of this constitution.

10.2 The committee may:

   (1) go on site visits;
   
   (2) conduct public surveys;
   
   (3) hold public meetings;
   
   (4) commission research;
   
   (5) hold informal meetings with members and officers;
(6) receive presentations and

(7) do all other things that it reasonably considers necessary to inform its deliberations.

10.3 The committee may ask witnesses to attend to address it and answer questions on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.

10.4 The committee takes responsibility for developing criteria based on social, economic, and environmental considerations for accepting expressions of interests under Community Right to Challenge. Any methodology produced would need to be endorsed by the cabinet for council approval. Additionally the committee could take responsibility for monitoring any service then delivered by charities/mutuals/voluntary groups.

11. Reports from the overview and scrutiny committee.

11.1 The overview and scrutiny committee will prepare a formal report on each of its pieces of work and submit it to the proper officer for consideration by:

(1) the cabinet (if the proposals are consistent with the existing budgetary and policy framework); or

(2) the council as appropriate (eg if the recommendation would require a departure from, or a change to, the agreed budget and policy framework).

11.2 Any reports and recommendations made by the overview and scrutiny committee will include any dissenting views.

11.3 The council or cabinet shall consider the report of the overview and scrutiny committee at the next available meeting and decide what action to take in respect of it. If a recommendation from the overview and scrutiny committee is not accepted by the council or cabinet the reasons for this shall be recorded in a resolution of the council or cabinet.
12. **Consideration of the forward plan**

1.1 Each meeting of the overview and scrutiny committee will consider the forward plan and may make representations to the decision making person or body upon any matter in the forward plan.

13. **Access to information**

13.1 In addition to their rights as councillors, members of the overview and scrutiny committee have the additional rights to documents and to notice of meetings contained in the access to information procedure rules in part 4 of this constitution.

13.2 Nothing in this paragraph prevents more detailed liaison between the cabinet and the overview and scrutiny committee, as appropriate, depending on the particular matter under consideration.

14. **Members and officers giving account**

14.1 Subject to article 6.4 (2) of this constitution, the overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions.

14.2 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 assist in the scrutiny process.

14.3 Where any member or officer is required to attend the overview and scrutiny committee under this provision, the chairman of the committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he is 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 member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.4 Where the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place.

15. **Attendance by others**

15.1 The overview and scrutiny committee may invite people other than those people referred to in rule 14 above to address it, discuss issues of local concern and/or answer questions. It may hear from residents, stakeholders, members and officers in other parts of the public sector and may invite such people to attend. Attendance is entirely optional.

16. **Call in**

16.1 Call in applies to the following:

(1) a cabinet decision;

(2) a portfolio holder decision;

(3) a decision by a committee of the executive and

(4) a key decision (as defined in article 13.3 of this constitution) made by an officer.

16.2 The decision shall be sent to all members of the council and be available at the main offices of the council normally within five working days of being made.

16.3 Notice of the decision will state the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five working days after the publication of the decision, unless the overview and scrutiny committee objects to it and calls it in.
16.4 During that period, the proper officer shall call in a decision for scrutiny by the overview and scrutiny committee if so requested by
- the chairman or
- any three members of the overview and scrutiny committee.

16.5 The request for call in must contain the detailed reasons why the decision has been called in to enable the decision maker to prepare for scrutiny of the decision.

16.6 The proper officer will inform all members, directors and assistant directors of the call in and either:

(1) refer the decision for consideration to the next available meeting of the overview and scrutiny committee; or

(2) call a special meeting of the overview and scrutiny committee.

16.7 If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may:

(1) refer it back to the decision making person or body for reconsideration; or

(2) refer the matter to the next available meeting of the full council provided that the committee consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget, setting out in either case the nature of its concerns and the reason for them.

16.8 If the matter is referred to the decision maker, they shall then consider amending the decision or not, before adopting a final decision.

16.9 If the overview and scrutiny committee does not meet as set out in rule 16.6 or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny committee meeting.
16.10 If the matter was referred to full council and the council does not object to the decision, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the council does object, the council will refer the decision back to the decision making person or body, together with the council’s views on the decision. The decision making person or body shall consider whether to amend the decision or not before reaching a final decision and implementing it.

16.11 If the council does not meet, as set out in rule 16.7 or does meet but does not refer the matter back to the decision making person or body the decision shall take effect on the date of the council meeting.

16.12 Once the decision making person or body has reconsidered the matter following call in, no further call in of that matter will be allowed.

16.13 In order to ensure that call in is not abused nor causes unreasonable delay, decisions on a particular subject may not be called in more than once in any six month period.

16.14 Call in and urgency

  (1) The call in procedure set out above shall not apply where the decision being taken by the cabinet is urgent.

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

  (3) The chairman of the council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
(4) In the absence of the chairman, the vice-chairman’s consent shall be required. In the absence of both, the head of paid service or his nominee’s consent shall be required.

(5) Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.

(6) The operation of the provisions relating to call in and urgency shall be monitored annually and a report submitted to council with proposals for review if necessary.

17. **The party whip**

17.1 The council views the use of the party whip as incompatible with overview and scrutiny. The “party whip” means “any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he speak or vote in any particular manner.”

18. **Procedure at overview and scrutiny committee meetings**

18.1 The overview and scrutiny committee shall consider the following business:

(1) declarations of interest;

(2) apologies for absence;

(3) minutes of the last meeting;

(4) matters arising from the minutes;

(5) consideration of any matter referred to the committee for a decision in relation to call in of a decision;

(6) responses of the cabinet to reports of the committee;

(7) the forward plan;
(8) the committee’s work programme and

(9) the business otherwise set out on the agenda for the meeting.

19. **Councillor Call for Action**

19.1 In responding to a Councillor Call for Action the overview and scrutiny committee will follow the Councillor Call for Action Protocol.

20. **Investigations**

20.1 The overview and scrutiny committee may ask people to attend to give evidence at committee. The giving of evidence should be conducted in accordance with the following principles:

(1) the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;

(2) those assisting the committee by giving evidence be treated with respect and courtesy and

(3) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

20.2 Following any investigation the committee shall prepare a report for submission to the cabinet and/or council as appropriate and shall make its report and findings public.

21. **Public Speaking**

21.1 Members of the public may speak at overview and scrutiny committee meetings on any matter on the agenda for the meeting excluding the minutes of previous meetings.

21.2 Speakers must advise the assistant director governance and business support of their wish to speak two clear working days before the overview and scrutiny committee meeting.
21.3 The time allowed for public speakers will be fifteen minutes. Each speaker may speak for three minutes only. The chairman has the discretion to extend these periods in special circumstances.

22. Meetings of standing policy panels

22.1 There shall be at least six ordinary meetings of the standing policy panels in each year provided that a meeting may be cancelled by the proper officer following consultation with the chairman of the panel.

22.2 Rules 5, 6, 7, 10, 11, 13, 17 and 19 of these rules shall apply to meetings of standing policy panels with any necessary modifications.

22.3 The panels shall consider the following business:

(1) declarations of interest;
(2) apologies for absence;
(3) minutes of the last meeting;
(4) matters arising from the minutes and
(5) the business otherwise set out on the agenda for the meeting.

23 Meetings of time and task limited panels and sub-committees

23.1 Rules 6, 10.2, 10.3, 17 and 19 of these rules shall apply to meetings of time and task limited panels and sub-committees with any necessary modifications.

23.2 Chairman

The chairman of time and task limited panels shall be appointed by the panel from among the members of the panel at its first meeting.

23.3 The panel shall consider the following business:

(1) in the absence of the chairman, to appoint a chairman for the meeting;
(2) declarations of interest;
(3) apologies for absence;
(4) minutes of the last meeting;
(5) matters arising from the minutes and
(6) the business otherwise set out on the agenda for the meeting.
Financial procedure rules

1. Interpretation

1.1 These financial procedure rules are subject to the provisions of the Local Government Act 1972 and any other legislation, including subordinate legislation, which regulates or governs the conduct of the business or financial affairs of the council or local authorities generally.

1.2 The council, the cabinet, committees, sub-committees and officers will comply with all relevant legislation and in particular, the Accounts and Audit Regulations 1996 (as updated).

1.3 They will adopt good financial practice, as defined by the Chartered Institute of Public Finance and Accountancy (CIPFA) in the latest Accounting Code of Practice (ACOP). They will comply with any lawful requirements or directions given either to the council or local authorities generally by the Government or the Audit Commission or other body.

1.4 Nothing in these financial procedure rules controls or limits in any way any power or duty given to any officer by legislation or delegation from the council.

1.5 Chief officer means the managing director and all directors.

1.6 In the absence of the director resources any reference to this position in these rules means the nominated deputy section 151 officer.

1.7 The director resources may delegate the authority to act in their place to staff within his section. They will ensure that those staff are adequately trained and competent to carry out their duties and responsibilities. They will ensure that they are aware of their obligations as set out in these rules, statute, best practice, Audit Commission guidance, etc.
2. **General**

2.1 Each chief officer will consult, in writing, the assistant director finance on any matter, which may materially affect the council’s approved revenue estimates or capital programme before any contract or commitment is entered into.

2.2 All financial records must be kept using ink or printed. Correction fluid should not be used. Errors should be ruled through and initialled. Where the error is not self evident then a written explanation of the change needs to be maintained with the records.

2.3 Any reference in these rules to writing will include electronic methods of communication such as e-mail provided that a permanent record is kept of the communication.

3. **Unlawful expenditure or losses**

3.1 The assistant director finance must be informed immediately that any officer of the council becomes aware of any action, including action or proposed action by the council, committee or sub-committee, which:

   (1) involves or would involve the council incurring unlawful expenditure;

   (2) is unlawful and likely to cause a loss to the council; or

   (3) will result in an unlawful entry in the council’s accounts.

4. **Reports**

4.1 All council, cabinet, committee or sub-committee reports must contain a section that provides members with an accurate description of the resource implications of the report, including whether the expenditure can be met from existing budgets. They will be circulated in advance to the assistant director finance. This should be done so that there is time to meet the report deadlines. The assistant director finance must sign off all reports that he agrees the resource implication section of the report.

5 May 2020
5. **Business plan and budget**

5.1 The cabinet will recommend to the council a preliminary overall financial strategy for the council at the October meeting. The management team will provide to each portfolio holder and the overview and scrutiny committee a draft business/local performance plan that conforms to the financial strategy set out by the council. The cabinet will consider the draft service/local performance plan.

5.2 Only in exceptional circumstances should growth or savings be fed into the budgetary process without having been part of the service/local performance plan process.

5.3 The assistant director finance will decide on the detailed form of capital and revenue estimates after consultation with the management team. They will report in advance to the cabinet any significant proposals for change.

5.4 The managing director, all directors and all assistant directors will be provided with a detailed timetable and budget guidance notes to enable the annual budget to be completed by the statutory deadline. The guidance will set out responsibilities for the compilation of the estimates. The managing director, directors and assistant directors will be responsible for agreeing their estimates prior to them being submitted to the cabinet and also for reporting on the consequences of the proposed estimates.

5.5 The assistant director finance will be responsible for the collation of the estimates and funding issues being reported to the council and the cabinet.

5.6 Approval of the revenue estimates will give authority to the managing director, directors and assistant directors to commit their budgets to achieve the council’s policy objectives. The managing director, directors and assistant directors are not permitted to commit the council to any expenditure which is beyond the powers of the council.
5.7 The capital programme will be divided into committed schemes and uncommitted schemes as determined by the assistant director finance. When the capital programme has been agreed then chief officers will be authorised to commit expenditure against any committed scheme. Uncommitted schemes can only proceed after the relevant chief officer has submitted a detailed appraisal for approval to the cabinet (except in the case of the grants budget).

5.8 Chief officers will be responsible for providing to the assistant director finance sufficient information to allow them to make any statutory and CIPFA returns based on the council’s approved estimates.

5.9 The assistant director finance will provide the council with an annual budget report that sets out the consequences of the proposed budget on the council tax. He will also provide members with a three-year budget forecast based on the service/local performance plans. This will also be expressed in terms of the effect on the council tax.

6. **Revised estimates**

6.1 Chief officers will monitor their budgets throughout the year. Where necessary they will report to the assistant director finance the need to use the scheme of virement or supplementary estimates. Where appropriate the assistant director finance will apply the scheme of virement as set out in rule 8 below or the scheme of supplementary estimates as set out in rule 9 below if budgets need to be amended.

7. **Budgetary control and budget monitoring**

7.1 Chief officers are expected to control their budgets so that they achieve the council’s policy objectives without over-spending.

7.2 The managing director, directors and assistant directors will approve a scheme of delegation of budgets to named officers. The scheme of delegation will be notified to the assistant director finance. Each budget officer will be accountable to their chief officer for controlling their budgets and for complying with these financial procedure rules.
7.3 The assistant director finance will make available to all budget officers financial information on-line and, on request, report format of information held on the council’s Financial Management System (Financials).

7.4 There will be a joint budget and performance monitoring report to the cabinet at appropriate times in the financial year. The budget officers will provide an explanation of all significant variations from the budget profile together with a projection of the year end position on that budget.

8. Virement

8.1 Virement will only be approved when it furthers the policy objectives of the council.

8.2 The revenue virement regime is set out in the budget and policy framework procedure rules and in rules 8.3 to 8.7 below.

8.3 Virements are actioned at the subjective budget headings level as set out in the council’s budget book.

8.4 There will be no virement into staffing budgets which creates a future year commitment without approval of the cabinet.

8.5 Virement will not be approved where there has been a fortuitous increase in income without cabinet approval.

8.6 If a virement is proposed that creates a commitment to new expenditure beyond the current financial year of over £10,000 then the council must approve this.

8.7 The assistant director finance can approve any revenue virements that meet the above regulations up to £50,000. The council must approve virements over £50,000.

8.8 There will be no amendment to capital budgets without the approval of the council. Capital payments can be moved between financial years to more accurately reflect scheme payments.

8.9 The assistant director finance will keep a record of all virements that have been approved.
9. **Supplementary estimates**

9.1 Supplementary estimates are only approved as a last resort. It is expected that chief officers will make every effort to avoid supplementary estimates by careful management of their approved budgets and by virement.

9.2 As soon as a chief officer realises that he will exceed his expenditure budget by £10,000 or more, or there is a projected shortfall of income of £10,000 or more then he must report this to the head of finance and revenue services. The chief officer must not commit any further expenditure against that budget unless he has a statutory duty to provide a service or there is an emergency situation. It is not considered appropriate to apply these rules to statutory provisions. Overspending on these budgets will be monitored by the cabinet as part of the budget monitoring process.

9.3 The assistant director finance will discuss the matter with the chief officer to try to avoid a supplementary estimate. The assistant director finance will have the authority to vire up to £10,000 from the council’s approved contingency for each instance identified to meet the proposed supplementary estimate. All uses of the contingency fund will be subject to prior consultation with the relevant portfolio holder and will be reported to the cabinet.

9.4 Any proposed supplementary estimate over £10,000 will be reported to the council for approval. The assistant director finance will indicate whether the proposed supplementary estimate can be met from the council’s contingency or will have to be a call on the council’s balances.

9.5 The assistant director finance will have authority to create a supplementary estimate for any use of earmarked reserves, eg the repairs and renewals equalisation funds, provided it is within council policy.

10. **Accounting**

10.1 The assistant director finance will maintain the council’s accounts in accordance with best practice and all relevant statutes.
10.2 The assistant director finance will produce a preliminary outturn report to the cabinet during May/June.

10.3 The council will approve the council’s accounts prior to 30 June. The assistant director finance will be responsible for signing the statutory accounts and making all necessary returns based on the accounts.

10.4 Chief officers will be responsible for providing to the assistant director finance sufficient information to allow him to make any statutory and CIPFA returns based on the council’s accounts.

11. **Authorised signatories**

11.1 Annually chief officers must provide the assistant director finance with a list of those officers authorised to:

   (1) approve timesheets or any other matter relating to the payment of salaries, wages and pensions;

   (2) approve travel and subsistence claims;

   (3) authorise orders for work, goods and services and

   (4) approve accounts for payment.

11.2 The list will include a specimen signature for each officer.

11.3 Chief officers are responsible for notifying the assistant director finance of any changes during the year.

12. **Salaries, wages and pensions**

12.1 The assistance director governance and business support will be responsible for the payment of all salaries, wages, pensions, compensation and other emoluments to all employees and former employees of the council or its predecessors.

12.2 The assistant director finance must be notified as soon as possible and in the form requested by him, of all matters affecting the payment and coding of salaries, wages and pensions including:
(1) appointments;
(2) resignations;
(3) dismissals;
(4) secondments and
(5) transfers.

12.3 The appointment of all employees must be in accordance with the council’s personnel procedures.

13. **Staff and members’ travel and subsistence allowances**

13.1 The assistant director governance and business support will be responsible for the payment of all claims for travel and subsistence for staff and members and is also responsible for paying members’ allowances.

13.2 All claims for payment of allowances must be submitted to the assistant director governance and business support in the form they request.

13.3 Claims submitted more than six months after the expenses were incurred will only be paid at the discretion of the assistant director governance and business support if there is good reason for the delay.

14. **Contracts for IT equipment and services, building, construction or engineering work**

14.1 Where a contract provides for installment payments the officer responsible for that contract will keep a record of all payments to the contractor.

14.2 The assistant director concerned or private architect, engineer or consultant engaged by the council will certify all payments on account.
14.3 The assistant director concerned or private architect, engineer or consultant engaged by the council must, subject to the provisions of the contract, authorise all variations or additions to the contract. Where a variation or addition results in an increase of £50,000 or 10% or more, whichever is the lower, in the contract price, this must be reported to the council as soon as possible.

14.4 The assistant director will be responsible for ensuring that the final account is justified and in accordance with the contract. The assistant director must retain all information relating to the contract.

14.5 Claims from contractors for matters not within the terms of the contract must be referred to the assistant director concerned for consideration of the council’s legal and financial liability before any settlement is reached.

14.6 Where completion of a contract is delayed by more than one-sixth of the contract period, or three months, whichever is the shorter, the assistant director will report to the appropriate decision making body. Whenever any contract is delayed the assistant director will consider the circumstances and if reasonable to do so will enforce the damages/compensation part of the contract.

15. Orders for work, goods and services

15.1 Official orders must be in a form approved by the assistant director finance.

15.2 Only officers authorised by an assistant director may order work, goods or services on behalf of the council.

15.3 Official orders must be issued for all work, goods or services except for petty cash purchases or other exceptions approved in advance by the assistant director finance. In emergencies goods may be ordered by telephone or internet but an official order must be immediately sent to the supplier and a copy retained.
15.4 All orders must conform to the contracts procedure rules if applicable. Purchasing officers must seek and abide by the advice of the head of assistant director governance and business support about the council’s approved suppliers, including the use of the Eastern Shires Purchasing Organisation (ESPO).

15.5 There must be sufficient uncommitted budget remaining in the financial year to cover any order. This regulation may only be breached in emergency situations approved by the appropriate chief officer. In all other cases, the chief officer will consult with the assistant director finance prior to the purchase order being sent and the council committed to the expenditure.

16. **Payment of accounts**

16.1 The assistant director finance will be responsible for the payment of all invoices and accounts.

16.2 All invoices or accounts must be examined, verified and authorised for payment before they are passed to the assistant director finance. The checks must include:

1. the works, goods or services have been carried out or provided as ordered. (Occasionally it may be necessary contractually to make payments in advance of the goods or services being provided. This needs to be annotated on the invoice.);

2. the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;

3. the relevant expenditure has been properly incurred and is within the relevant estimate provision. If it is not the head of finance and revenue services must be informed immediately;

4. appropriate entries have been made in inventories, stores records or stock records as required;

5. the invoice or account has not previously been passed for payment and
(6) the invoice or account is a proper liability of the council.

16.3 Invoices or accounts must not be altered. If there is a discrepancy then this should be referred to the supplier to either reissue the invoice or to supply a credit note.

16.4 Authorised accounts must be passed to the assistant director finance without delay. The assistant director finance may make any enquiries he considers necessary before paying the invoice or account.

16.5 All chief officers will provide the head of assistant director finance with details of all outstanding expenditure relating to the previous financial year by the date specified in the final accounts closure timetable.

17. **Petty cash accounts**

17.1 Requests to hold a petty cash account must be made to the assistant director finance who will determine whether a petty cash account should be approved and the amount of the petty cash imprest.

17.2 No income should be paid into the petty cash account other than the reimbursement of the account.

17.3 Payments will be limited to £100 for minor items of expenditure. A receipt should evidence each payment. The spending officer must try to obtain a VAT invoice or VAT receipt. The assistant director finance may approve, in exceptional circumstances, an exception to the expenditure limit.

17.4 An officer responsible for a petty cash account will provide a year end certificate as to the state of the account. The assistant director finance will have the right to audit the account at any time.

17.5 The petty cash account must not be used for personal loans or cashing personal cheques.
17.6 On leaving the council’s employment or ceasing to be entitled to hold a petty cash account, the officer will account to the assistant director finance for the sum advanced.

18. Income

18.1 The assistant director finance will be responsible for collecting all non tax money due to the council.

18.2 Wherever possible all monies due to the council should be collected prior to the service being provided.

18.3 The council will set its charges annually. These must be applied in all cases.

18.4 Chief officers will ensure accounts are raised immediately and will provide the assistant director finance with details of all money owing to the council.

18.5 The assistant director finance will supply all receipt forms, books, tickets or other such items. These documents are controlled stationery and they must be kept securely at all times.

18.6 All money received by employees of the council will be paid to the assistant director finance or, as he instructs, to the council’s bank or to another properly authorised body or person. No money may be deducted from income to pay for expenses. When money is banked, a reference must be included on the paying-in slip (such as the receipt number, invoice number or the name of the debtor) to indicate what the payment is for.

18.7 All cheques received in the post or at the council’s main offices will be forwarded as soon as practical to the payments section. Information will be passed to departments so that they are aware that a cheque has been received.

18.8 Every transfer of council money from one member of staff to another must be recorded and signed for by the receiving officer.

18.9 Personal cheques will not be cashed out of the council’s money.
18.10 The director resources and the assistant director finance are authorised to write off debts (excluding NNDR, council tax and housing benefit over payments and homelessness accommodation and associated costs) which do not exceed £100,000, together with attendant costs, where all reasonable recovery action has been exhausted, and subject to quarterly reports to the cabinet with any budgetary consequences highlighted.

19. Estates

19.1 The assistant director governance and business support will keep a register of all land and property owned by the council. This register will include:

(1) the holding function;
(2) the purpose of the holding;
(3) the location, extent and plan reference;
(4) purchase details;
(5) particulars of the council’s interest in the land or property and
(6) details of any rents payable or receivable (including tenancy details).

19.2 The assistant director finance will keep a capital asset register for capital accounting purposes. The officer responsible for an asset will obtain valuations for capital accounting purposes, when required by the assistant director finance.

19.3 The assistant director governance and business support will keep all title deeds securely.

20. Inventories

20.1 The assistant director finance will maintain an inventory of all furniture, fittings, equipment, plant, machinery and software belonging to the council.

20.2 Chief officers will be responsible for checking annually all items on the inventory that are located in their directorate.
20.3 The chief officer is responsible for notifying the assistant director finance of any discrepancy in the inventory as soon as it is discovered. The assistant director finance, in consultation with the chief officer, will decide on what action to take and will ensure that the inventory is amended appropriately.

20.4 Each chief officer must keep a record of any equipment taken off site.

20.5 The council’s property may not be used for private purposes without the prior approval of the chief officer.

20.6 The assistant director finance will oversee the disposal of obsolete or surplus items so that the council obtains the best overall price taking account of any costs of selling. This may include sales to staff through a tendering procedure.

21. **Stocks and stores**

21.1 Chief officers will decide on the appropriate level of stocks to be held by the council to fulfil its duties.

21.2 Chief officers will be responsible for the care and security of the stocks and stores within their control.

21.3 The assistant director finance will arrange for periodical checks of stocks and stores by an appropriate person.

21.4 The assistant director finance must be provided with any information they require about stocks for accounting, costing and financial records.

21.5 Surplus or obsolete materials, stores or equipment must be disposed of by competitive tender or public auction unless the responsible chief officer decides that it would be uneconomic to do so. All write-offs of stock should be recorded, the assistant director finance will be notified of the write-off. All such write-offs will be recorded in the council’s write-off book.
22. **Insurance**

22.1 The assistant director finance will arrange all insurance cover on behalf of the council and negotiate all claims in conjunction with other officers where necessary.

22.2 Chief officers will notify the assistant director finance immediately of all new risks, properties, vehicles, plant and equipment, which need to be insured. They will also notify him of any alterations affecting existing insurance.

22.3 Chief officers will notify the head of finance and revenue services immediately in writing of any loss, liability, damage or any other event likely to lead to a claim against the council. All requests for claims information will be accorded the highest priority to ensure legal/claim deadlines are met.

22.4 The assistant director finance will review all insurances at least annually.

22.5 Chief officers will consult the assistant director finance on the terms of any indemnity which the council is requested to give.

22.6 Every officer and member of the council must ensure that where they represent the council on an outside body they are covered by adequate insurance provided by the outside body.

23. **Security**

23.1 All chief officers are responsible for maintaining the proper security for all buildings, stocks, stores, furniture, equipment, cash, etc under their control. The assistant director finance must be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

23.2 Maximum limits for cash holdings will be agreed with the assistant director finance. They must not be exceeded without their prior permission.
23.3 The person to whom they are entrusted must safely look after any keys or devices that perform a similar function. The loss of any key or similar device must be reported to the assistant director finance as soon as possible.

23.4 The director resources will be responsible for the security of all data and information held by the council. The council will appoint an officer as the designated data protection officer.

24. **Banking arrangements and cheques**

24.1 The assistant director finance is authorised to operate the council’s bank accounts.

24.2 All cheques will be ordered only on the authority of the assistant director finance who will make proper arrangements to keep them secure.

24.3 Cheques for the council’s bank accounts will bear the facsimile signature of the managing director. The assistant director finance will adopt arrangements for high value cheques that require an actual signature of an officer authorised by the cabinet.

25. **Investments and borrowing**

25.1 When council money is invested it will be done in the name of the council. Special arrangements will be made to secure the council’s externally managed cash management fund by using independent custodians.

25.2 The assistant director finance will be responsible for all securities in the council’s ownership.

25.3 All borrowings will be effected in the name of the council.

25.4 The assistant director finance will be the council’s registrar of stocks, bonds and mortgages and will maintain a record of all money borrowed by the council.

25.5 Annual borrowing limits and approved sources of borrowing will be agreed by the council each year.
26. **Treasury management**

26.1 The council adopts CIPFA’s “Code for Treasury Management in Local Authorities”.

26.2 A treasury management policy will be adopted annually by the council. The implementation and monitoring of the policy is delegated to the finance portfolio holder.

26.3 All the council’s money will be aggregated for treasury management under the control of the assistant director finance.

26.4 All executive decisions on borrowing, investment and financing will be delegated to the assistant director finance, or through him/her to their staff, who will be required to act in accordance with CIPFA’s “Code for Treasury Management in Local Authorities”. In the instance of favourable market conditions having the impact of increasing the interest received by the council to exceed the investment limits set out in the Treasury Management Policy – such increase would only be sanctioned where the limits have been breached by increased interest receivable.

26.5 The assistant director finance will report to the cabinet twice per year on the treasury management activities.

26.6 The assistant director finance will report by 30 June to the cabinet on the compliance with the treasury management policy for the preceding financial year. This report will form the annual report on treasury management.

27. **Retention of financial records**

27.1 The assistant director finance will produce a scheme for the retention of financial records. All staff will comply with that scheme.

28. **Internal controls**

28.1 Chief officers are responsible to the assistant director finance for the achievement of appropriate levels of internal financial controls within their directorate.
28.2 Chief officers must ensure that the following principles are observed in allocating financial duties, where practical:

(1) there will be a separation of duties so that no one officer is able to carry out all parts of a financial transaction;

(2) staff receive appropriate training to ensure that they are competent to achieve the high standards of financial propriety expected of the council’s staff;

(3) prior to new staff being appointed references are taken up with their previous employer, one other referee and the Criminal Records Bureau if appropriate for the post and

(4) staff are aware of their responsibilities and obligations as set out in these financial procedure rules.

29. Audit

29.1 A continuous internal audit will be undertaken to examine the accounting, financial and other operations of the council. Internal audit will operate under the direction of the assistant director finance.

29.2 The assistant director finance or his authorised representative will have authority to:

(1) enter any council property or land at any reasonable time;

(2) have access to all records, documents and correspondence on any financial or other transaction of the council;

(3) require and receive such explanations as are necessary concerning any matter being examined and

(4) require any employee or councillor to produce cash, stores or any other council property or equipment under his control.
29.3 The assistant director finance must be advised of any suspected or actual irregularity concerning the council’s financial affairs, property or equipment. The assistant director finance will investigate all alleged irregularities and will report all confirmed material irregularities to the overview and scrutiny committee.

29.4 Directors and assistant directors will respond promptly to all internal audit reports. They will provide the internal auditors with a response to all audit recommendations. If a director or assistant director is not prepared to accept an audit recommendation then that should be discussed with the assistant director finance.

29.5 The relevant director / assistant director will report to Corporate Management Leadership Team, cabinet, council and audit committee any weakness scored as high or fundamental that has been identified by internal audit.

29.6 The assistant director finance will report to the cabinet, the council and audit committee any resource implications arising from internal audit reports which cannot be met within existing budgets.

29.7 The assistant director finance will provide an annual report to the audit committee on all external and internal audit activity.
Contract procedure rules

Statement of Intent

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

1. Compliance

1.1 These Contract Procedure Rules (CPR) are the Council’s contract standing orders under section 135 of the Local Government Act 1972. They must be followed every time the Council enters into a contract for works, supplies or services.

1.2 All public procurement and other applicable laws (including any European Union law directly or indirectly in force in England at the relevant time) must be followed. Such laws override any conflicting provision of the CPR.

1.3 These, the CPR must be read in conjunction with the Council’s Constitution, including its Financial Procedure Rules, Procurement Quick Step Guide, (QSG) decision making processes and delegated authorities.

1.4 These CPR are the minimum standards which must be adhered to. Particular procurements may require a more thorough procedure than one defined by value alone, depending on the identifiable risks to the Council, or it may be beneficial to the Council to secure greater competition. If in any doubt as to the position on any procurement, consult the Procurement Team.

1.5 The CPR aim to promote the highest standards of probity, integrity and impartiality using the key procurement principles of transparency, equal treatment, non-discriminatory and proportionate manner. They thereby offer the best justification against allegations of purchases having been made fraudulently or
incorrectly.

1.6 If it comes to notice of an Officer that there has been non-compliance with these CPR in respect for any contract which s/he is responsible as the Officer of the procuring section, s/he shall without delay notify the Director of Resources who shall take such action as deemed necessary.

2. **Procurement principles:**

2.1 The aim of every procurement process should be to achieve Value for Money, compliance with all legal requirements and support the Council’s policies and objectives as part of the general requirement to secure Best Value.

2.2 Contractual arrangements should be made, wherever possible, on the Council’s standard general terms or standard form contracts. When appropriate it is acceptable to use industry standard model contracts, with supplemental terms for contracts. Contracting on the supplier’s terms should be avoided and only done when agreed with (and with the changes to those terms required by) Director of Resources and the Procurement Team.

2.3 These CPR apply to the appointment of Consultants, subcontractors and any other legal entity (when acting on behalf of the Council) and must be followed in accordance with.

2.4 Approval for any advance payments to the supplier before receiving the relevant works, supplies or services, must be sought from the Director of Resources before proceeding to ensure protection of the Council’s interests.

2.5 Tenders and Quotations received by fax or email must be rejected if above £20,001 as detailed in 2.6.

2.6 Tenders over the value of £20,001 must be returned electronically via the Council’s e-tendering system and opened by the Procurement Team and/or nominated officer.

2.7 All contracts except where lowest price was predetermined to be the appropriate contract award criterion shall be awarded based on
the offer that represents the Most Economically Advantageous offer to the Council.

3. **Excluded contracts**

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

3.1 Contracts of employment which make an individual a direct employee of the Council;

3.2 Agreements regarding the acquisition, disposal or transfer of land only (ie without any connected development);

3.3 Contracts where the price of the goods or materials is wholly controlled by government order or otherwise and no reasonably satisfactory alternative is available;

3.4 For other reasons where there would be no genuine competition, or where the requirements of the competition have already been met eg frameworks;

3.5 The disposal of obsolete assets (see Financial Procedure Rules).

4. **Complex procurements**

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

4.1 Where the Total Value exceeds the relevant Public Procurement Thresholds (see QSG);

4.2 Where the opportunity is likely, in view of its characteristics, to be of cross-border interest and therefore attract potential suppliers from outside the UK;

4.3 Where any staff of the Council or an existing supplier spend the majority of their time providing the services which are to be procured (investigation would be needed to identify any potential TUPE implications in advance and obtain/provide employee liability
4.4 The procurement involves leasing agreements;

4.5 Where it is proposed to use a supplier's own terms or any other form of contract which is not one of those normally used by the Council for other matters;

4.6 Procurement of application software with a Total Value above £75,000;

4.7 Agreements involving the development of land for public benefit;

4.8 Where it is proposed to extend or vary an existing contract;

4.9 Any collaborative procurements where the Council is working with other authorities to procure;

4.10 Where it is proposed to enter into a new contract with an existing supplier without competition (such as a new contract for a line of business software system);

4.11 Where the procurement is complex in any other way or involves unusual risks.

5. **Pre-procurement procedure**

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

6. **Preliminary market consultation**

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

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

7. **Contracts procedures**

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

Minimum Contracts Procedures for Works, Supplies or Services:

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

**Estimating the Contract Value**

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

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

8. Single quotation procedure (Value less than £20,000):

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

All quotes are subject to the following processes:

8.1 Although a formal procurement process does not need to be followed, value for money needs to be demonstrated.

8.2 Officers should select a supplier by any reasonable means.

8.3 Request a final written quote from the supplier.

8.4 Reasons for the selection are to be recorded centrally.

8.5 Raise an appropriate Purchase Order to the supplier using the Council’s financial software, prior to placing the order ensuring this refers to or incorporates the relevant contract document(s).

9. Multiple quotation procedure (value £20,001 to £75,000):

Having followed QSG:

9.1 Identify the appropriate contract to be used or contact the Procurement Team.

9.2 Develop and include in the relevant sections of the Council’s invitation to bid documents, so that prospective suppliers (including at least one local supplier where practicable without improperly excluding other suppliers) can provide their quotations based on:
The evaluation criteria and
Specification of services/supplies/works required by the Council); and
Performance indicators (if appropriate).

The Procurement Team can assist with developing the relevant criteria/specification/performance indicators.

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

9.3 The period allowed for responses should be adequate, considering the complexity of the Council’s requirements, to provide a reasonable opportunity for suppliers to prepare and submit a quotation. This will normally be at least 10 working days.

9.4 Invitation to bid documents should be sent or made available to the suppliers via the Council’s e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council’s e-sourcing system will be arranged by the Procurement Team on request.

9.5 Any bids received after the appointed date/time will not be considered and advice must be obtained from the Procurement Team as to next steps.

9.6 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.

9.7 Bids must be evaluated against the specified evaluation criteria, liaising with the Procurement Team and the Finance Team to check the information provided by the suppliers and when appropriate investigate the financial status of the supplier(s).

9.8 If less than two bids are received, consult with the Procurement
Team and follow their recommendations as to whether to arrange a new invitation to bid or obtain other evidence demonstrating that (because of the nature of the opportunity, an absence of suitable competitor suppliers or otherwise) the bid(s) received represent Value for Money.

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

10. **Tender procedure (value more than £75,001 but below the Public Contract Regulations 2015 Financial Threshold):**

Having followed the QSG

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

10.1 Officers should engage the assistance of the Procurement Team as soon as it is anticipated that a tender may be required.

10.2 The Procurement Team will assist Officers with the following steps, including design of scope, evaluation criteria, performance indicators (if appropriate) and mitigation of risks/costs.

10.3 Officers should then either:

Select three or more specific potential suppliers to invite to tender (including at least one local supplier, where practicable) without or improperly excluding other suppliers, or

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

10.4 Justification for inviting only selected potential suppliers must be approved by the Procurement Team and recorded with procurement documentation.

10.5 The period allowed for responses should be adequate, considering
the complexity of the Council’s requirements; to provide a reasonable opportunity for suppliers to prepare and submit a tender. This will normally be at least 20 working days.

10.6 Invitation to tender documents should be sent or made available to the suppliers via the Council’s e-sourcing system either to the selected suppliers or in an open opportunity. Access to the Council’s e-sourcing system will be arranged by the Procurement Team on request.

10.7 Any bids received after the appointed date and time will not be considered and advice must be obtained from the Procurement team as to next steps.

10.8 Bids will remain electronically sealed until the appointed time and date and will be opened by the Procurement Team and nominated officer.

10.9 The Procurement Team will manage evaluation of tenders against the specified evaluation criteria and liaise with the Finance Team to check the information provided by the suppliers and if appropriate investigate the financial status of the supplier(s).

10.10 The Procurement Team will assist in seeking approval, awarding the contract and completion of the procurement process.

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

11. **Tender procedure for above public contract regulations 2015**

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

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

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

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

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

12. TENDER EVALUATION

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

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

13. DECLARATION OF INTEREST

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

14. Post tender negotiation

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

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

15. Contract award

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

<table>
<thead>
<tr>
<th>Value</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £20,000</td>
<td>Assistant Director</td>
</tr>
<tr>
<td>£20,001 to £50,000</td>
<td>Director</td>
</tr>
<tr>
<td>£50,001 to £100,000</td>
<td>Corporate Management Leadership Team</td>
</tr>
<tr>
<td>Above £100,001</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

15.2 Officers in conjunction with the Procurement Team must notify all suppliers simultaneously and as soon as possible of the intention to award the contract to the successful supplier and stipulating the standstill period (if any) applied in the notification. If an
unsuccessful supplier challenges the decision, the Officer shall not award the contract and shall immediately seek the advice of the Procurement Team and Director of Resources.

15.3 Where a contract has been tendered below the PCR 2015 and above £20,000 the Council shall publish a contract award notice on Contract Finder.

15.4 Where a contract has been tendered pursuant to the PCR 2015 the Council shall publish a contract award notice as detailed by the PCR 2015.

16. **Contract terms and conditions**

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

16.1 Every formal contract in writing within the meaning of CPR shall specify or contain (as a minimum) wherever possible:

(a) the services, supplies or works to be provided;

(b) the price to be paid, with a statement of discounts or other deductions;

(c) the time or times within which the contract is to be performed;

(d) that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the invitation to tender prior to contract award have been satisfied;

(e) in appropriate cases (to be determined by the Director of Resources) provide for the payment of liquidated damages by the supplier where they fail to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract;
(f) a clause empowering the Council to cancel the contract and recover from the supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf shall, in relation to the obtaining or execution of the contract or any other contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972, Bribery Act 2010, Data Protection Act 2018 and Modern Slavery Act 2015;-

(g) a clause requiring the supplier to provide information to the Council for the Council to fulfil its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004;

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

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

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

17. Execution of contracts

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

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

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

19. **Framework agreements and dynamic purchasing systems**

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

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

20. **Collaborative procurement**

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

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

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

22. **Waivers of contract procedure rules**

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

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

23. **Bonds, guarantees and insurance**

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

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

24. **Operational emergency**

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

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

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

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

25. Disposal of assets

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

25.1 Records must be retained for the disposal of assets in a similar way as for procurement decisions.

25.2 Any items of stock (other than land) deemed obsolete or surplus to requirements must, where the expected loss on disposal is no more than £20,000, be sold or disposed of only on the authorisation of the Director. Where the expected loss on disposal exceeds £20,000 the approval of the appropriate Director(s) must be obtained.

25.3 The method of disposing of surplus or obsolete stocks/stores or assets other than land must be determined as follows:
<table>
<thead>
<tr>
<th>Total Value</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £20,000</td>
<td>By whatever means the relevant Director shall decide consistent with the asset disposal rules</td>
</tr>
<tr>
<td>£20,000 and up to £100,000</td>
<td>Tender sought by public advertisement, by public auction, or such other means as the Section 151 Officer shall determine after formal written consultation with the Monitoring Officer</td>
</tr>
<tr>
<td>Above £100,000</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

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

26. **Contract management**

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

26.1 Named officer(s) within the relevant section will be responsible for the day to day operational management of any new contract in their section.

26.2 The Procurement Team will assist in contract management, particularly in cross-functional (or cross-authority) agreements, with roles being established with sections at contract mobilisation.

26.3 Requirements for contract management are to include and not limited to: (as a minimum);

26.4 An annual review (in consultation with the Finance Team) of the financial status of any supplier in contract with the Council

26.5 Annual check for validity of any required certifications and evidence of current insurance cover
26.6 Regular review meetings at agreed intervals to discuss:

1) Contractual performance (key performance measures)

2) Social value delivery

3) Innovations or other potential savings in areas relating to the contract or opportunities to improve the range of services provided

4) Risk identification, evaluation and management on subjects relating to the contract

5) Customer complaints and compliments

6) Any data protection issues.

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

26.7 For all agreements with a total value above the PCR 2015 financial threshold a report must go annually, via the Managing Director, to the relevant Cabinet Member regarding:

Achievement of contractual objectives within the period

Current contractual direction (continue, review, exit, retender).

27. RETENTION OF DOCUMENTS

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

27.1 The retention period commences once the Tender, Purchase Order or Contract is closed: all “open” documents are retained indefinitely.

27.2 The records to be retained, the retention period and which section
The records should be kept in a format that facilitates accessibility for future use.

28. **Review and amendment of the contract procedure rules**

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

<table>
<thead>
<tr>
<th>Document</th>
<th>Retained by</th>
<th>Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenders/Quotations</td>
<td>E-procurement system/centrally</td>
<td>7 Years</td>
</tr>
<tr>
<td>Purchase Orders</td>
<td>Finance System/Section</td>
<td>7 Years</td>
</tr>
<tr>
<td>Contracts</td>
<td>Officer/Deed Room</td>
<td>7 Years</td>
</tr>
<tr>
<td>Suppliers Invoices</td>
<td>Finance System/Section</td>
<td>7 Years</td>
</tr>
</tbody>
</table>
Officer employment procedure rules

1. Recruitment and appointment

1.1 Declarations

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

(2) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him / her.

(3) All decisions relating to the salary or remuneration of Council officers must be made in line with the approved pay policy statement.

1.2 Seeking support for appointment

(1) Subject to 1.2 (3), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(2) Subject to paragraph 1.2 (3), no Councillor will seek support for any person for any appointment with the Council.

(3) Nothing in paragraphs 1.2 (1) and 1.2 (2) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Chief Officers and Deputy Chief Officers

2.1 Where the Council proposes to appoint to posts at this level, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
(1) Draw up a statement specifying:
   
   (a) The duties of the officer concerned; and
   
   (b) Any qualification or qualities to be sought in the person to be appointed.

(2) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

(3) And make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

3.1 The function for appointment of the Head of Paid Service must be undertaken by the Joint Appointment Panel and that appointment must be approved by Council before an offer of employment can be made.

3.2 The function for appointment of Chief Officers and Deputy Chief Officers must be undertaken by the Joint Appointment Panel, with the Head of Paid Service having a formal vote in the event of a tie of votes. The chief officer appointments and the appointments to statutory posts – Monitoring Officer and Section 151 Officer, must be approved by Council.

3.3 Confirmation of statutory posts (Monitoring Officer and Section 151 Officer), regardless of level, require approval by Council before an offer of employment can be made.

4. **Posts below Deputy Chief Officers**

4.1 The function for appointment of a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him / her and may not be made by Councillors.
4.2 The function for dismissal of, and taking disciplinary action against, a member of staff below Deputy Chief Officer level must be undertaken by the Head of Paid Service or by an officer nominated by him / her and may not be made by Councillors.

4.3 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

5. **Objections to appointments**

5.1 In this section appointor means, in relation to the appointment of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.

5.2 An offer of appointment at Head of Paid Service, Chief Officer and Deputy Chief Officer level must not be made by the appointor until:

1. the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.

2. the Proper Officer has notified every Member of Cabinet of:

   a. the name of the person to whom the appointor wishes to make the offer;

   b. any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and

   c. the period within which any objection to the making of the offer is to be made by the leader on behalf of the Cabinet to the Proper Officer.

3. either:

   a. the Leader has, within the period specified, notified the appointor that no Member of Cabinet has any objection to the making of the offer;
(b) the Proper Officer has notified the appointor that no objection was received within that period from the leader;

(c) the appointor is satisfied that any objection received from the Leader within that period is not material and is not well-founded.

6. **Disciplinary action – Statutory Officers**

6.1 Disciplinary action for the Head of Paid Service, Monitoring Officer or Section 151 Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015.

6.2 The Head of Paid Service, Monitoring Officer or Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months, unless the investigator recommends the suspension should continue beyond that point.

6.3 An investigator shall be appointed by agreement between the Council and the officer and the investigator will be entitled to review all information necessary to enable them to make an informed and reasoned recommendation.

6.4 The Joint Statutory Officer Hearing Committee will be convened at least 20 working days before the meeting of Council. The Committee will consider the investigator’s findings and be entitled to hear from any additional witnesses or parties they consider necessary prior to making a recommendation to Council.

7 **Dismissal**

7.1 The function of the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer must be approved by Council before the dismissal notice is given to that person.

7.2 The Council, when making a decision, must take into account the recommendations of the Panel, the conclusions of the investigation into the proposed dismissal and any representations from the
relevant officer.

8. **Objections to dismissals**

8.1 In this section dismissor means, in relation to the dismissal of a person as an officer of the Authority, the Authority, or where a committee or sub-committee is discharging the function of appointment on behalf of the Authority, that committee or sub-committee, as the case may be.

8.2 Notice of the dismissal of the Head of Paid Service and Chief Officer level must not be made by the dismissor until:

1. the dismissor has notified the Proper Officer of the name of the person to whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.

2. the Proper Officer has notified every Member of Cabinet of:
   
   (a) the name of the person to whom the dismissor wishes to dismiss;
   
   (b) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
   
   (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer.

3. either:
   
   (a) the Leader has, within the period specified, notified the dismissor that no Member of Cabinet has any objection to the making to the dismissal;
   
   (b) the Proper Officer has notified the dismissor that no objection was received within that period from the Leader;
   
   (c) the dismissor is satisfied that any objection received
from the Leader within that period is not material and is not well-founded.

9. **Appeals**

9.1 Should the officer be dissatisfied with the outcome they are entitled to submit an appeal to the Joint Statutory Officer Appeals Committee.
QUASI-JUDICIAL PROCEDURE RULES


When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing & Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

1. Declarations of interest
   1.1 The committee will receive any declarations of interest under the members’ code of conduct.

2. Apologies for absence
   2.1 The committee will receive any apologies for absence.

3. Quorum
   3.1 The Licensing & Regulatory Committee shall comprise twelve members and a quorum shall be four.

   3.2 Meetings for hearings shall comprise three members and a quorum shall be two.

4. Opening remarks by the chairman of the committee
   4.1 The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.

   4.2 The chairman will give brief details of the matter before the
4.3 The committee shall determine the matter before them in accordance with this procedure.

5. Admission of the public

5.1 The hearing shall take place in public which expression includes:

(1) any person assisting or representing a party,

(2) any member of the council who is not a member of the committee making the determination and

(3) any officer or legal advisor of the council.

5.2 The committee may exclude the public (except the committee officer and legal advisor) where it considers that the public interest in doing so outweighs the public interest in the hearing, or part of it, taking place in public.

5.3 The public will normally be excluded at the conclusion of the hearing when the committee is deliberating on the determination to be made.

6. Absence of parties

6.1 If a party has told the committee that they do not intend to be present or be represented at the hearing, the hearing may proceed in their absence.

6.2 If a party otherwise fails to attend or be represented the committee may

(1) Where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or

(2) Conduct the hearing in the party’s absence, considering the matter before them, representations or notice made by that party.
7. **Documents**

7.1 The committee may take into account documentary or other information produced by a party in support of their case, representations or notice (as applicable). Such material should be provided to the committee before the hearing.

7.2 Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties consent.

8. **Report from licensing officer**

8.1 The licensing officer or his representative will present his report on the matter to be determined by the committee.

8.2 Members of the committee may ask questions of the licensing officer.

8.3 The applicant/licence holder or their representative may ask questions of the licensing officer.

8.4 The other parties or their representatives may then ask questions of the licensing officer.

9. **The applicant/licence holder’s case**

9.1 The applicant/licence holder or their representative will be asked to speak in support of their case.

9.2 The applicant/licence holder or their representative may call witnesses.

9.3 The committee may then ask questions of the applicant/licence holder or their witnesses.

9.4 The other parties or their representatives may then question the applicant/licence holder, their representative or witnesses.

9.5 The applicant/licence holder or their representative, will be invited to respond to any new point arising from the questions.
10. **The representations of other parties to the hearing**

10.1 The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure:

10.2 The other parties will be invited to speak in support of their representations.

10.3 The other parties or their representatives may call witnesses.

10.4 The committee may then ask questions of the other parties or their witnesses.

10.5 The applicant/licence holder or their representative, may then question the other parties, their representatives or witnesses.

10.6 The other parties or their representatives will be invited to respond to any new points arising from the questions.

11. **Closing statements**

11.1 Closing statements will then be made in the following order:

(1) the parties who made representations or their representatives;

(2) the applicant/licence holder or their representative.
12. The committee’s decision

12.1 The committee will then consider its decision. This will normally take place in the absence of the public.

12.2 During the decision making process, the committee may seek the advice and guidance of its legal advisor.

12.3 When it has made a determination the committee will announce its decision in public with a summary of the reasons.

12.4 A detailed decision with reasons shall follow no later than five days after the hearing.
QUASI-JUDICIAL PROCEDURE RULES

Applications for a private hire vehicle driver’s licence

The committee comprises three district councillors. At least two members of the committee must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

1. Opening remarks by the chairman of the committee
   1.1 The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
   1.2 The chairman will give a brief outline of the nature of the matter to be considered.

2. The council’s case
   2.1 The council’s representative will present its case.
   2.2 The council’s representative may then be questioned by the following in the order shown:
      (1) the applicant or his representative;
      (2) the council’s legal representative;
      (3) the representatives of statutory consultees (eg police, general practitioner) and
      (4) the members of the committee.
3. **The applicant’s case**

3.1 The applicant or representative will present his case.

3.2 The applicant or representative may then be questioned by the following in the order shown:

   (1) the council’s representative and/or legal representative;

   (2) the representatives of any consultees (eg police, general practitioner), and

   (3) the members of the committee.

4. **Representatives/consultees**

4.1 The representatives of any consultees present shall then each present their case.

4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

   (1) the applicant or his representative;

   (2) the council’s representative and/or legal representative;

   (3) the representative of any other statutory consultee, and

   (4) the members of the committee.

5. **Closing statements**

5.1 Closing statements will then be made in the following order:

   (1) The council’s representative and/or legal representative;

   (2) The representative of each of the statutory consultees, and

   (3) The applicant or his representative.

5.2 All persons present, with the exception of the members of the committee, the advisor and the clerk, will then leave the meeting.
6. **The committee’s decision**

6.1 The committee will discuss and then vote on the application.

6.2 In the event of an equality of votes, the chairman has a second or casting vote.

6.3 During the decision making process, the committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above will be asked to rejoin the meeting. The chairman will announce the committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The applicant will be provided with a full written copy of the committee's decision within 5 working days of the hearing.

6.6 If the application is refused, the decision must state clearly the reasons why.

6.7 Where an application is granted, the committee should, where applicable, advise the applicant if any special conditions are imposed.

6.8 Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the magistrates’ court within 21 days of receiving the written decision.
QUASI-JUDICIAL PROCEDURE RULES

Suspension and revocation of private hire vehicle driver’s licences

The committee comprises three district councillors. At least two members of the committee must be present at each hearing.

The council may suspend, revoke or refuse to renew a driver’s licence on the following grounds:

(1) The driver has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence.

(2) The driver has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses (1847) or Local Government Miscellaneous Provisions (1976) Acts.

(3) Any other reasonable cause.

1. Opening remarks by the chairman of committee

1.1 The chairman will introduce those present at the hearing and will ensure that all present understand the procedure to be followed.

1.2 The chairman will give a brief outline of the nature of the matter to be considered.

2. The council’s case

2.1 The council’s representative will present its case.

2.2 The council’s representative may then be questioned by the following in the order shown:

(1) the private hire vehicle driver or his representative;

(2) the council’s legal representative;
(3) the representatives of consultees (eg police, general practitioner) and
(4) the members of the committee.

3 The private hire vehicle driver’s case

3.1 The private hire vehicle driver or his representative will present their case.

3.2 The private hire vehicle driver or his representative may then be questioned by the following in the order shown:
   (1) the council’s representative and/or legal representative;
   (2) the representative of any consultee (eg the police, general practitioner) and
   (3) the members of the committee.

4. Representatives/consultees

4.1 The representatives of any consultees present shall then each present their case.

4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:
   (1) the private hire vehicle driver or his representative;
   (2) the council’s representative and/or legal representative;
   (3) the representative of any other consultee and
   (4) the members of the committee.

5. Closing statements

5.1 Closing statements will then be made in the following order:
   (1) the council’s representative and/or legal representative;
   (2) the representative of each consultee and
(3) the private hire vehicle driver or his representative.

5.2 All persons present, with the exception of members of the committee, the advisor and the clerk, will then leave the meeting.

6. **The committee’s decision**

6.1 The committee will discuss the matters under consideration and determine by voting, the action to be taken.

6.2 In the event of an equality of votes, the chairman has a second or casting vote.

6.3 During the decision making process, the committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above, will be asked to re-join the meeting. The chairman will announce the committee’s decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The private hire vehicle driver will be provided with a full written copy of the committee’s decision within 5 working days of the hearing.

6.6 In the event of a decision that is of disbenefit to the private hire vehicle driver, the committee must clearly state the reasons how the committee reached its decision.

6.7 The private hire vehicle driver should be advised that he has a right of appeal to the magistrates’ court within 21 days of receiving the written decision.
QUASI-JUDICIAL PROCEDURE RULES


When dealing with licensing matters, the rules of natural justice must be seen to be applied in that all parties must be afforded an equal opportunity to present their cases. Thus, when determining an application, the Licensing & Regulatory Committee (in these rules “the committee” unless the context requires otherwise) will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules. In these rules words and expressions not defined in the rules have the same meaning as they have in the act and the regulations.

1. **Declarations of interest**
   1.1 The committee will receive any declarations of interest under the members' code of conduct.

2. **Apologies**
   2.1 The committee will receive any apologies for absence.

3. **Quorum**
   3.1 The Licensing & Regulatory Committee shall comprise twelve members and a quorum shall be four.
   3.2 Meetings for hearings shall comprise three members and a quorum shall be two.

4. **Opening remarks by the chairman of the committee**
   4.1 The chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
4.2 The chairman will give brief details of the matter before the committee.

4.3 The committee shall determine the application or review in accordance with this procedure.

5. **Admission of the public**

5.1 The hearing shall take place in public which expression includes:

(1) any person assisting or representing a party,

(2) any member of the council who is not a member of the committee making the determination and

(3) any officer or legal advisor of the council.

5.2 The committee may exclude the public (except the committee officer and legal advisor) for all or part of the hearing if it is satisfied that it is necessary in all the circumstances of the case, having regard to

(1) any unfairness to a party that is likely to result from a hearing in public; and

(2) the need to protect as far as possible, the commercial or other legitimate interests of a party.

5.3 The public will normally be excluded at the conclusion of the hearing when the committee is deliberating on the determination to be made.

6. **Exclusion of disruptive persons**

6.1 The committee may require any person who in their opinion is behaving in a disruptive manner, or in breach of conditions specified by the committee to leave the hearing.

6.2 The committee may refuse to permit the person to return or permit him to return only on such conditions as the committee may specify.
6.3 The committee may allow a person who is behaving in a disruptive manner or in breach of conditions specified by the committee to remain at the hearing only on such conditions as the committee may specify.

6.4 Where a person is required to leave the hearing under this rule the committee must

(1) permit him to submit in writing, before the end of the hearing, any information which he would have been entitled to give orally had he not been required to leave; and

(2) take into account that information in reaching a determination of the application or review.

7. Absence of parties

7.1 If a party

(1) has told the committee that he does not intend to attend or be represented at the hearing;

(2) failed to inform the committee whether he intends to attend or be represented at the hearing; or

(3) left the hearing in circumstances enabling the committee reasonably to conclude that he does not intend to participate further,

the hearing may proceed in his absence.

7.2 If a party otherwise fails to attend or be represented the committee may

(1) Where necessary in the public interest, adjourn the hearing to a date specified by the committee before the adjournment, or

(2) Conduct the hearing in the party’s absence, considering the application, review or representations made by that party.
8. **Documents**

8.1 The committee may take into account documentary or other information produced by a party in support of their application, review or representations (as applicable). Such material should be provided to the committee before the hearing.

8.2 Documentary or other information provided by parties at the hearing may be considered by the committee provided that all other parties attending the hearing consent.

9. **Report from licensing officer**

9.1 The licensing officer or his representative will present his report on the matter to be determined by the committee.

9.2 Members of the committee may ask questions of the licensing officer.

9.3 The applicant, licensee or their representatives may ask questions of the licensing officer.

9.4 The other parties or their representatives may then ask questions of the licensing officer.

10. **The applicant’s or licensee’s case**

10.1 The applicant, licensee or their representatives will be asked to speak in support of his application or licence in the case of a review.

10.2 The applicant, licensee or his representative may call witnesses.

10.3 The committee may then ask questions of the applicant, licensee or his witnesses.

10.4 The other parties or their representatives may then question the applicant, licensee, their representatives or witnesses.

10.5 The applicant, licensee or their representatives will be invited to respond to any new point arising from the questions.
11. **The representations of other parties to the hearing**

11.1 The representations of the other parties to the hearing will then be considered in turn by the committee in the order determined by the committee and in accordance with the following procedure.

11.2 The other parties will be invited to speak in support of their representations.

11.3 The other parties or their representatives may call witnesses.

11.4 The committee may then ask questions of the other parties or their witnesses.

11.5 The applicant or his representative may then question the other parties, their representatives or witnesses.

11.6 The other parties or their representatives will be invited to respond to any new points arising from the questions.

12. **Closing statements**

12.1 Closing statements will then be made in the following order:

1. the parties who made representations or their representatives;
2. the applicant, licensee or their representatives.

13. **The committee’s decision**

13.1 The committee will then consider its decision. This will normally take place in the absence of the public.

13.2 During the decision making process, the committee may seek the advice and guidance of its legal advisor.

13.3 When it has made a determination the committee will announce its decision in public with a summary of the reasons.

13.4 A detailed decision with reasons shall follow no later than five working days after the hearing.
QUASI-JUDICIAL PROCEDURE RULES

Appeals lodged against the making of tree preservation orders (TPOs)

The panel comprises three district councillors. At least two members of the panel must be present at each hearing.

Notes on procedure

1. **Site Visit**

   1.1 On the day of the hearing, members of the appeals panel visit the site to inspect the trees subject of the appeal.

   1.2 Members of the public, local parish council/district council ward representatives, council officers directly involved in the preparation of the TPO, and the objector may attend this site inspection, but may not make representations to members of the panel.

2. **The Hearing**

   2.1 The hearing itself is informal and the order for proceedings is as follows:

   (1) All parties assemble at the council offices.

   (2) The chairman of the panel formally opens the hearing.

   (3) The objector is asked to put his case for appealing against the making of the order and to call any witnesses in support of his case.

   (4) The objector (if he gives evidence as opposed to an opening address) and/or any witnesses called, are then questioned on their statements by the officer representing the council as an advocate.
(5) The chairman of the panel invites members of the panel to ask the objector or his witness any questions which they consider relevant to the appeal, having heard the objector’s case for appealing against the order.

(6) The council’s advocate introduces the council’s case for the making of the order and then calls other officers as witnesses, who can then be questioned by the objector.

(7) The chairman of the panel invites members of the panel to ask the council’s witnesses any questions they consider relevant to assist them in deciding whether or not the order should be confirmed, modified or not confirmed.

(8) The chairman then asks if any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, wishes to say anything to the panel. If a parish council representative, district councillor (who is not a member of the panel) or member of the public does make a statement then he can be questioned by the representative of the party to whom that statement is adverse and then by members of the panel. Each statement will be fully dealt with, including questioning of its maker, before the next statement is dealt with.

(9) The council’s advocate and then the objector are requested to make their respective closing statements.

(10) Panel members will then have the opportunity to seek clarification on any outstanding issues before retiring to consider their decision.

(11) During its deliberations the panel will be advised on procedural matters by the assistant director governance business support or his appointed representative.

(12) The panel will announce its decision in public with a summary of the reasons for making its decision.
(13) The chairman will advise the objector of rights of appeal, as follows:

If any person is aggrieved by a local authority’s confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.
QUASI-JUDICIAL PROCEDURE RULES

Joint Statutory Officer Hearing Committee

1. Terms of Reference

1.1 To advise and make recommendations to Council on matters relating to the dismissal of relevant Statutory Officers of the Authority, namely the Head of Paid Service; the Monitoring Officer and the Section 151 Officer.

1.2 Before reaching a determination on any matter before it, to ensure appropriate investigatory work has been undertaken on which a recommendation should be made.

2. Membership

2.1 The Committee shall consist of 6 persons, to be comprised of:

- 1 Cabinet Member of Broadland District Council
- 1 Cabinet Member of South Norfolk Council
- 1 Member of Broadland District Council's Standard Committee
- 1 Member to be drawn from the membership of South Norfolk Council's Standards and Licensing Pool of Members, and
- 2 Independent Persons.

2.2 The Independent Persons shall ordinarily be both Council's appointed Independent Person, unless they confirm they are unable to act in relation to the matter, in which case an Independent Person from another Authority shall be appointed.

2.3 The Chairman and Vice-Chairman of the meeting shall be an Independent Person.
3. **Quorum**

3.1 The minimum number of Members to transact any business of the Committee shall be 4, which must include 2 Independent Persons and a representative from each Council.

4. **Procedures and protocol**

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

4.2 Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

4.3 Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

5. **Voting**

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

5.2 In the event of an equality of votes, the Chairman shall have a second or casting vote.
QUASI-JUDICIAL PROCEDURE RULES

Joint Statutory Officer Appeals Committee

1. Terms of Reference

1.1 To hear appeals against decisions of the Council to dismiss a Statutory Officer.

1.2 Before reaching a decision, the Committee must take into account all representations made to the Statutory Officer Hearing Committee and the Council meeting at which the decision to dismiss was made.

2. Membership

2.1 The Committee shall consist of 6 Members; 3 Members of Broadland District Council’ Standards Committee and 3 Members of South Norfolk Council to be appointed from the Members of the Standards and Licensing Pool of Members who were not present at the Statutory Officer Hearing Committee at which the original recommendation was made to Council.

2.2 The meeting shall ordinarily be chaired by a Chairman of the Standards Committee of either Broadland District Council or South Norfolk Council.

3. Quorum

3.1 The minimum number of Members to transact any business of the Committee shall be 4 voting Members, with at least a representative from each Council.

4. Procedures and protocol

4.1 The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.
4.2 Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

4.3 Members of the press and public may not attend the Committee, under the provisions of the Local Authorities (Access to information) (variation) Order 2006.

5. **Voting**

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

5.2 In the event of an equality of votes, the Chairman shall have a second or casting vote.
QUASI-JUDICIAL PROCEDURE RULES

Hearing procedures for the standards committee

1. **Interpretation**
   1.1 'Member' means the member of the authority who is the subject of the allegation being considered by the standards committee, unless stated otherwise. It also includes the member’s nominated representative.
   1.2 'Investigator' means the monitoring officer and includes their nominated representative.
   1.3 'Committee' also refers to sub-committee.
   1.4 'Legal adviser' means the officer responsible for providing legal advice to the standards committee. This may be the monitoring officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

2. **Representation**
   2.1 The member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person.

3. **Legal Advice**
   3.1 The committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee should be shared with the member and the investigator if they are present.
   3.2 The committee will receive the views of the independent person and take such views into account before it makes a decision on an allegation that has undergone investigation.
4. **Setting the scene**

4.1 After all the members and everyone involved have been formally introduced, the chairman should explain how the committee is going to run the hearing.

5. **Preliminary procedural issues**

5.1 The committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

6. **Making findings of fact**

6.1 After dealing with any preliminary issues, the committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator’s report.

6.2 If there is no disagreement about the facts, the committee can move on to the next stage of the hearing.

6.3 If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee’s permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.

6.4 The member should then have the opportunity to make representations to support their version of the facts and, with the committee’s permission, to call any necessary witnesses to give evidence.

6.5 At any time, the committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the member.
6.6 If the member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.

6.7 If the member disagrees with any relevant fact in the investigator’s report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the committee will consider whether it would be in the public interest to continue in his or her absence. After considering the member’s explanation for not raising the issue at an earlier stage, the committee may then:

1. continue with the hearing, relying on the information in the investigator’s report;

2. allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary;

3. postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.

6.8 The committee will usually move to another room to consider the representations and evidence in private.

6.9 On their return, the chairman will announce the committee’s findings of fact.

7. **Did the member fail to follow the Code of Conduct?**

7.1 The committee then needs to consider whether, based on the facts it has found, the member has failed to follow the Code.

7.2 The member should be invited to give relevant reasons why the committee should not decide that they have not failed to follow the Code.

7.3 The committee should then consider any verbal or written representations from the investigator.
7.4 The committee may, at any time, question anyone involved on any point they raise in their representations.

7.5 The member should be invited to make any final relevant points.

7.6 The committee will then move to another room to consider the representations.

7.7 On their return, the chairman will announce the committee’s decision as to whether the member has failed to follow the Code.

8. **If the member has not failed to follow the Code of Conduct**

8.1 If the committee decides that the member has not failed to follow the Code, the committee can move on to consider whether it should make any recommendations to the authority.

9. **If the member has failed to follow the Code of Conduct**

9.1 If the committee decides that the member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the member as to:

   (1) whether the committee should apply a sanction

   (2) what form any sanction should take.

9.2 The committee may question the investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

9.3 The committee will then move to another room to consider whether to impose a sanction on the member and, if so, what sanction it should be.

9.4 On their return, the chairman will announce the committee’s decision.
10. **Recommendations to the authority**

10.1 After considering any verbal or written representations from the investigator, the committee will consider whether it should make any recommendations to the authority, with a view to promoting high standards of conduct among members.

11. **The written decision**

11.1 The committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision shortly after the end of the hearing. It is good practice to prepare the full written decision in draft on the day of the hearing, before people’s memories fade.
TERMS OF REFERENCE

Joint Informal Cabinet

1. **Meetings**

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

2. **Membership**

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

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

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

2.4 No substitute members will be permitted.

3. **Quorum**

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

4. **Voting**

4.1 The Chairman for the meeting has the discretion to conduct a vote either by show of hands or, if there is no dissent, by affirmation of the meeting.
4.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

5. **Venue and Time**

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

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

6. **Protocol and Openness**

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

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

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

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

7. **Terms of Reference**

7.1 Provide political leadership to ensure integration and transformation of services across the two Councils.

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

7.3 Provide a steer on the policy framework of the Councils, review strategy documents and review the Council’s business plan.
TERMS OF REFERENCE

Joint Lead Members’ Group

1. Purpose

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

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

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

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

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

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

2. Membership

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

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

3. **Terms of Reference**

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

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

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

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

4. **Meetings**

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

5. **Quorum**

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

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

6. **Venue and Time**

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

6.2 Meetings will commence at a date and time to be agreed by both of the Chairmen.
7. **Protocol and Openness**

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

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

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

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

Joint Scrutiny Committee

1 Meetings

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

2 Membership

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

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

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

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

3 Quorum

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

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

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

Venue and Time

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

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

Protocol and Openness

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

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

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

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

Terms of Reference

7.1 To receive reports on the shared services project as the need arises, making recommendations to respective Cabinets and / or
8 **Secretariat**

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

9 **Public Speaking**

9.1 Public speaking will be at the discretion of the Chairman.
 TERMS OF REFERENCE

Emergency Committee

1. Purpose

1.1 To enable the Council to function in emergency situations when fewer Councillors and / or officers are available to attend meetings.

2. Terms of Reference

2.1 The Committee will be convened, as required, as part of the District Council’s major emergency and Emergency Planning process.

2.2 The decision to convene the Committee will be made by the Managing Director through consultation with the Leader. Equally the decision to stand down the Committee will be made by the Managing Director through consultation with the Leader.

2.3 Once the Committee is convened it can take on the role of the delegations afforded to the following Committees and Council itself; Council, Cabinet, Planning, Licensing and Audit. This will be decided by the Managing Director through consultation with the Leader. These powers can be in full or in part.

2.4 Portfolio Holder delegations, Portfolio Holder with Officer delegations and Officer delegations will remain as per the Constitution.

2.5 The Committee will also meet as required and consider the immediate strategic issues for the District Council arising from the particular incident, having received reports from the Managing Director and/or the Chairman of the District Council Tactical Response Team.

2.6 The Committee may authorise action affecting any of the District Council’s functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee’s reasons for acting, to the next meeting of the Council. The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular information bulletins on the incident and the action being taken.
2.7 Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media.

2.8 The Committee should consider the longer-term implications arising from the incident and the impact these may have on the District Council.

3. Membership

3.1 The Committee shall consist of six named Members of the district council, to include:
   - Chairman of the Cabinet (who will be the Chairman of this Committee)
   - Vice-Chairman of the Cabinet
   - Leader of the main opposition group (to provide a scrutiny role)
   - The Portfolio Holder whose responsibility includes Housing and Wellbeing
   - Two other named Members to achieve a political balance

3.2 If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

3.3 Succession arrangements are key and for clarity it is confirmed that formal delegations between Councillors will ensure continuity of the Committee.

4. Quorum

4.1 The minimum number of members to transact any business shall be three.

5. Procedures, protocols and public speaking

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

5.2 Any Member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

5.3 Members of the press and public may attend. General arrangements
for public speaking as set out in the “Rights of the Public at Meetings” apply, in line with the legislation in force at the time.

6. Voting

6.1 Voting at meetings is by show of hands and this shall be recorded.

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

7. Training

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