

Council

Mon 22 June
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
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Committee Support Services**

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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Council

22 June 2009

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	M Hall (Mayor)	N Hicks
	P Anderson	G Hopkins
	K Banks	D Hunt
	M Braley	R King
	J Brunner	W King
	M Chalk	C MacMillan
	G Chance	P Mould
	A Clayton	W Norton
	B Clayton	J Pearce
	J Cookson	B Quinney
	D Enderby	M Shurmer
	J Field	D Smith
	A Fry	D Taylor
	C Gandy	D Thomas
	W Hartnett	

8. Constitution - Annual Review

(Pages 1 - 262)

Head of Legal, Democratic and Property Services

To consider the Annual Review of the Council's Constitution and Associated documents.

(Constitution attached)

(No Direct Ward Relevance)



CONSTITUTION

(For adoption by the Council 22 June 2009)

(Please retain for future reference)

SUMMARY

The full Council of 29 Members meeting together is responsible for determining the budget and policy framework of the Council.

Political Balance - Municipal Year 2009/10

The Council comprises 29 elected Members, representing 12 Wards. Since the local Elections of 1 May 2008, and subsequent By-Elections, the Council comprises 15 Conservative, 10 Labour, 3 Liberal-Democrat and 1 British National Party Members.

This means that the Council is controlled by a Conservative Majority.

Elections

Elections are held by thirds, three years out of every four (the fourth year being for “all out” County Council elections – next to be held in June **2013**). The next Borough Council elections will be in May 2010.

Democratic Arrangements

Some Council members are in full-time employment and therefore most Council business is conducted in the evening. The full Council meets approximately every 6 -7 weeks. Meetings are normally open to the public.

A body called the Executive Committee (often referred to as ‘the Exec(utive)’ and sometimes referred to as “the Cabinet” in other authorities) is responsible for implementing Council policies, taking decisions about them and spending the budget. The Executive is responsible for decisions on all matters which are not allocated to the Council’s “Regulatory Committees” or other Committees (for example, Audit , Licensing, Planning or Standards Committees); or decisions which are not reserved to be dealt with by the full Council. All Executive Committee meetings are held in public.

The Executive Chair is the Leader of the Council (who is elected by the Council) and the Executive has a number of other members, also elected by the Council. ***As of the Annual Council meeting of 18 May 2009, the Executive Committee comprises 9 members, including 2 Labour Members and 1 Liberal Democrat.***

Six Executive Committee Members each have responsibility for a “Portfolio” which comprises a themed group of Council services. The Portfolios are currently: “Community Leadership and Partnership”, “Community Safety”, “Corporate Management”, “Housing, **Local Environment** & Health”, “Leisure & Tourism” and “Planning, **Economic Development** & Transport”. The Portfolio Holders are all members of the Controlling Group.

The Overview & Scrutiny Committee (O&S) has been established to monitor the decisions of the Executive Committee and, via the appointment of Task and Finish Groups, to assist in policy development and review.

All matters that are due to go to the Executive Committee or full Council for decision may be considered by the O&S Committee (on which all political Groups are proportionately represented), or by an O&S Task & Finish Group.

The Council's Directorates

The Chief Executive, as "Head of the Paid Service" is in overall charge of the services provided by the Officers of the Council.

Under a current 'Shared Services' initiative with Bromsgrove District Council, the Council has appointed an 'Acting Joint Chief Executive' who is also Chief Executive of Bromsgrove DC. An Acting Deputy Chief Executive has also been appointed to deputise for him at Redditch and other subsequent provisional adjustments have been made to the senior management structure, pending review and consideration of permanent arrangements in July 2009.

Officers are organised into three Directorates :

1. Chief Executives' Directorate

Audit
Corporate Strategy / Policy / Partnerships
Democratic Services
Financial Services
Legal Services
Monitoring Officer
Property Services
Revenues & Benefits.

2. Environment & Planning Directorate

Building Control
Communications & Reprographics
Community Safety
Economic Development
Environmental Health
Environmental Operations
Environmental Services
Human Resources
Operations / Market
Planning Services.

3. Housing, Leisure & Customer Directorate

Asset Management / Maintenance
Capital Management
Care & Repair
Community Support
Cultural Services
Customer Services
Housing
IT Services
Leisure Services
Repairs & Maintenance
Sure Start.

(Current Structure Charts are attached below, at Part 7
- Appendices K & L - of the Constitution as follows:

- Management Structure - K
- Committee Structure - L.)

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APPENDIX I	CODE ON GIFTS AND HOSPITALITY
APPENDIX J	MEMBER ROLE DESCRIPTORS <i>(to be added later).</i>
APPENDIX J	MANAGEMENT STRUCTURE
APPENDIX K	COMMITTEE STRUCTURES

Notes

- 1) Any reference to specific legislation, or statutory provisions in the attached Constitution shall be automatically deemed to refer to any relevant aspects of any successive legislation or statutory provisions, pending formal updating.

PART 1

- 2) Reference to specific Officers in the attached Constitution shall be automatically deemed to refer to any successor Officer(s) who is/are charged with the same responsibilities, following any future re-organisation, save that, for the sake of clarity and proper control, in the case of any ambiguity about who shall exercise a particular delegation of authority, the delegation shall refer to the higher ranking Officer(s).

PART 1

The Council's Constitution - Explanation

The Redditch Borough Council has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to the provision of clear Leadership to the community, enhanced decision-making and involvement of citizens in the process, help Councillors represent their constituents more effectively and provide the means to improve service delivery.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council.
- Overview and Scrutiny of decisions (Article 6).
- The Executive Committee (Article 7).
- Regulatory and other Committees (Article 8).
- The Standards Committee (Article 9).
- Area forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision-making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

PART 1

How the Council operates

The Council is composed of 29 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

The Executive Committee will consist of the Leader of the Council, and such other number of Executive Committee Councillors as the Council shall resolve annually. The Council will determine the Scheme of Delegation for the Executive Committee arrangements.

A single "commissioning" Overview and Scrutiny Committee and/or its Task and Finish Groups (~~replacing the previous four Overview and Scrutiny Committees~~) hold the Executive Committee to account.

Other Committees will include the statutory "Regulatory" Committees dealing with planning, licensing and enforcement, an Audit Committee and a Standards Committee, dealing with issues of conduct.

How Decisions Are Made

EXECUTIVE COMMITTEE

The Executive Committee is the part of the Council which is responsible for most operational decisions, with the exception of those decisions which are delegated to Officers, or reserved to the Council. When Key Decisions are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. If Key Decisions are to be discussed with Council Officers at a meeting of the Executive Committee, this meeting will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive Committee has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to approve relevant amendments to policy and/or budget provision, before final Executive decisions can be taken.

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OVERVIEW AND SCRUTINY

A single “commissioning” Overview and Scrutiny Committee supports the work of the Executive Committee and the Council as a whole. This allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive Committee and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Executive Committee. It can “call-in” a decision which has been made by the Executive Committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive Committee reconsider the decision. It may also be consulted by the Executive Committee or the Council on forthcoming decisions and the development of policy.

The Overview and Scrutiny Committee will routinely appoint Task and Finish Groups to undertake defined pieces of work on its behalf. This will enable the most interested and best qualified Members to develop more specialised skills and participate in pieces of work of particular relevance to them.

NEIGHBOURHOOD GROUPS

In order to give local citizens a greater say in Council affairs, 13 area forums known as Neighbourhood Groups have been created. With the exception of the Parish of Feckenham, these cover the whole Borough, involve Councillors for each particular area and are held in public. Increasingly these meetings are being combined with Police PACT consultation meetings.

THE COUNCIL’S STAFF

The Council has people working for it (“Officers”) to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol document governs the relationships between Officers and members of the Council.

CITIZENS’ RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes. The local Citizens’ Advice Bureau can advise on individuals’ legal rights.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in

PART 1

this Constitution.

Citizens have the right to:

- a) vote at local elections, if they are registered;
- b) contact their local Councillor about any matters of concern to them;
- c) obtain a copy of the Constitution;
- d) attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- e) petition to request a Referendum on an Elected Mayoral form of democratic structure;
- f) participate in the Council's question-time as defined in Standing Orders and contribute to investigations by the Overview and Scrutiny Committee;
- g) find out, from the Forward Plan, what Key Decisions are to be discussed by the Executive Committee or decided by the Executive Committee or Officers, and when;
- h) attend meetings of the Executive Committee where Key Decisions are being discussed or decided except where, for example, personal or confidential matters are being discussed;
- i) see reports and background papers, and any record of decisions made by the Council and Executive Committee except where, for example, personal or confidential matters are included
- j) complain to the Council (see below)
- k) complain to the Ombudsman, if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- l) complain to the **Council's Standards Committee** ~~Standards Board for England~~, if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- m) inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

The Council has a comprehensive Complaints Process embracing four possible stages:

Stage 1: An Informal Process.

Stage 2: An investigation by the Head of the relevant Service

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- Stage 3: An Appeal to the **Chief Executive** ~~Borough Director~~ in the event of dissatisfaction with the Stage 2 process.
- Stage 4: Final recourse to a Panel of elected Members.

The Contact Officer is ***the Chief Executive's Personal Assistant (telephone extension 3299)*** who has Plain English information on all Civil Rights listed.

A statement of the rights of citizens to inspect agendas and reports and attend meetings is obtainable from the Democratic Services Manager (Extension 3256).

PART 2

Articles of the Constitution

Article 1 – The Constitution

*Section 37, LGA 2000
Chapter 10, DETR Guidance,
The Local Government Act 2000 (Constitutions) (England)
Direction 2000*

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Redditch Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and Review of the Constitution

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

PART 2

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

PART 2

Article 2 – Members of The Council

References:

*Part I, Part VA and Section 79, Local Government Act 1972
Chapter 2, DETR Guidance*

*Section 18, Local Government and Housing Act 1989 and
regulations thereunder*

*Section 7, Superannuation Act 1972 and regulations thereunder
Representation of the People Act and Regulations.*

2.1 Composition and eligibility

- (a) Composition. The Council will comprise 29 elected Members, otherwise called Councillors. Councillors will be elected by the voters of each Ward in accordance with a scheme drawn up by the Electoral / Local Government Commission and approved by the Secretary of State.
- (b) Eligibility. Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor (full current statutory provisions will apply).

2.2 Election and terms of Councillors

Election by Thirds

The ordinary election of a third (or as near as may be) of all Councillors will normally be held on the first Thursday in May in each year beginning in 2002, except that

- (i) in 2004 there was an election of all Councillors following the completion of the review of electoral boundaries, and
- (ii) in 2005 and every fourth year afterwards there will be no Borough Council election (County Council election year). The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and functions of all Councillors

- (a) Key roles. All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

PART 2

- (ii) represent their communities and bring their views into the Council's decision-making process, in other words become the advocates of and for their communities;
 - (iii) deal with individual casework and act as advocates for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) Rights and duties
- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
 - (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules detailed in Part 4 of this Constitution.
- (c) Role Descriptions
- The Council will be agreeing role descriptions for Councillors and the various office holders in the Council and will keep these under review. These will be contained in Appendix I *.
- (* To be added in due course, subject to further report).*

2.4 Conduct

PART 2

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member / Officer Relations set out in Part 5 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

PART 2

Article 3 – Citizens and The Council

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) Voting and petitions.

Citizens on the electoral roll for the area have the right to vote in, and sign a petition to request, a Referendum for an elected Mayor form of Constitution.

(b) Information.

Citizens have the right to:

- (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Executive Committee when Key Decisions are being considered, except when, for example, personal or confidential matters are discussed.
- (iii) find out from the Forward Plan what Key Decisions will be taken by the Executive Committee and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Executive Committee, except confidential or exempt information; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation.

Citizens have the right, in accordance with Standing Order requirements and relevant statutory provisions, to

- (i) participate in the Leader's Question Time;
- (ii) attend Council or Executive Committee meetings as members of a Deputation;
- (ii) speak in respect of Petitions;

PART 2

- (iii) attend and participate in Planning and Licensing Committee / Sub-Committee meetings (as appropriate);

and also to contribute to investigations by the Overview and Scrutiny Committee (or its Task & Finish Groups).

- (d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman, after using the Council's own complaints scheme;
- (iii) the ~~Standards Board for England~~ **Council's Standards Committee** about a breach of the Councillor's Code of Conduct.

3.2 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

PART 2

Article 4 – The Full Council

References:

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Chapters 2 and 9, DETR Guidance John Stewart, The Council Meeting: A Role for All Members, LGA / IDeA, June 2000

4.1 Meanings

(a) Policy Framework.

The Policy Framework means the plans or strategies to be approved by the full Council and listed below (including any amendments to, or replacement of or updates to any such plans and strategies, save for minor textual or other changes which are unlikely to have a substantial impact or effect on the Policy Framework plans or strategies and are in accordance with the Council's Approved Budget):

- a) Best Value Performance Plan (?);
- b) **Sustainable** Community Strategy;
- c) Crime and Disorder Reduction Strategy;
- d) Plans and strategies which together comprise the Development Plan;
- e) Council's Corporate Plan
- f) Food Law Enforcement Service Plan;
- g) The plans and strategies which comprise the Housing Strategy and Housing Investment Programme;
- h) Local Agenda 21 Strategy;
- i) Quality Protects Management Action Plan.
- j) Equalities Strategy;
- k) Emergency Plan;
- l) Procurement Strategy;
- m) Worcestershire Supporting People Strategy 2006/10;
- n) Children and Young People Plan;
- o) Local Transport Plan;
- p) Capital Strategy;
- q) **Value for Money Strategy;**
- r) **Minimum Revenue Provision Policy;**
- s) **Treasury Management Policy;**

PART 2

t) Enforcement Policy;

u) Transformational Government Strategy.

The Executive Committee's role in relation to these plans or strategies is to agree a draft of the same, which will then be referred, subject to any prior consultation with the Overview and Scrutiny and Regulatory Committee(s), as is relevant, to the full Council for approval. No "call-in" of draft Policy Framework plans or strategies are, therefore permissible as the ultimate decision on the same is reserved to the Council and is not an Executive decision.

(b) Budget.

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

The approval of the Annual Budget by the Council, subject to any prior consultation with the Overview and Scrutiny and relevant Regulatory Committee(s), does not mean that any Executive or Regulatory decisions required to implement the various projects or transactions referred to in the Annual Budget are not required, as to do so would make redundant the executive decision-making processes of the Council and deprive the Overview and Scrutiny Committee of its legitimate rights to question and challenge any Executive decisions.

As with the Policy Framework plans and strategies, no "call-in" of the Annual Budget is permissible as the ultimate decision on the same is reserved to the Council and is not an Executive decision.

(c) Housing Land Transfer.

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

PART 2

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution, save where any delegated powers granted to the Executive have been exercised by the same to make any necessary “in-year” changes for operational effectiveness and/or efficiency reasons;
- (b) approving or adopting or making changes that are likely to have a substantial impact or effect on the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) appointing the Leader and members of the Executive Committee;
- (d) establishing or deleting Committees, Sub-Committees, Panels, Working Groups, etc. ; agreeing and/or amending their terms of reference and setting their reporting mechanisms (on an annual basis, save where any delegated powers granted to the Executive Committee have been exercised by the same to make any necessary “in-year” changes for operational effectiveness and/or efficiency reasons) , deciding on their composition and making appointments to them;
- (g) appointing representatives, or making nominations, to outside bodies unless the appointment has been delegated by the Council;
- (h) adopting a Members’ Allowances Scheme under Article 2;
- (i) changing the name of the area, conferring the title of honorary alderman or Freedom of the Borough;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive Committee; and

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-
- (l) all other matters which, by law, must be reserved to the full Council.

(A full list of the local authority's functions and responsibilities are attached at Annex B.)

4.3 Council meetings

There are four types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings;
- (c) the Council-Tax Setting meeting;
- (d) Extraordinary meetings.

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

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive Committee.

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Council Procedure Rules

Introduction

These are the rules of debate and procedure for the conduct of meetings of full Council, Committee and sub-Committee meetings.

They:

- a) accord with the law
- b) reflect the new roles which meetings of full Council will play
- c) are written in plain English.

Powers to make Standing Orders (sources)

Paragraph 42 of Schedule 12 to the Local Government Act 1972 and in respect of Committees and joint Committees under section 106 of the same Act. Schedule 12 sets out various minimum requirements which procedural rules should reflect.

Under Sections 8, 9(5)(political assistants) and 20 of the Local Government and Housing Act 1989 the Secretary of State made the Local Authorities (Standing Orders) Regulations 1993;

Local Government Act 2000 - mandatory standing orders - the Local Authorities (Standing Orders) Regulations 2001

Model Standing Orders

Most sets of procedural standing orders still reflect the contents of the 1963 Model Standing Orders Proceedings and Business of Local Authorities (2nd Edition) issued by the then Ministry of Housing and Local Government in 1963 and reprinted by HMSO in 1973.

The Council has Standing Orders for the regulation of its business.

Those:

- (i) concerning contracts are addressed in the Contracts Procedures Rules (currently Standing Orders 46-48).
- (ii) concerning staff appointments and related matters are contained in the Officer Employment Rules.
- (iii) concerning all other matters are contained in Standing Orders - see Appendix A below.

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Article 5 – Chairing The Council

References:

*Sections 3, 5, 245; schedule 2, 12; Local Government Act 1972
Schedule 3, Local Government Act 2000
Chapters 2, 4 and 9, DETR Guidance*

5.1 Role and function of the Mayor

The Mayor and in his/her absence, the Deputy Mayor will have the following roles and functions:

CEREMONIAL ROLE

The Mayor is

- a) a symbol of the local authority,
- b) a symbol of an open society, and
- c) an expression of social cohesion.

CHAIRING THE COUNCIL MEETING

The Mayor is also the Chair of the Council and will be the person presiding over Council meetings.

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive Committee are able to hold the Executive Committee members to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

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Article 6 – Overview and Scrutiny Committee

References:

Section 21 and schedule 1 (Paragraphs 7,8,10 and 11), Local Government Act 2000 Chapters 3 and 9, DETR Guidance.

6.1 The Overview and Scrutiny Committee

- (a) The Council will appoint an Overview and Scrutiny Committee to:-
- i) agree the scrutiny programme and the terms of reference for each scrutiny;
 - ii) establish time limited Task and Finish Groups to investigate issues in depth; ***or itself undertake selected reviews;***
 - iii) agree reports prepared by the Task and Finish Groups;
 - iv) act as an interface with the Executive Committee;
 - v) receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policy issues;
 - vi) have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year);
 - vii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;
 - viii) exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee;
 - ix) decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work);
 - x) ~~establish arrangements for best value reviews and monitor the best value process and programme overall;~~ **undertake the role of a Crime and**

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Disorder Overview and Scrutiny Committee under the Police and Justice Act 2006.

- x) establish arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Executive and external organisations, to the Council;
 - xi) monitor the quality of scrutinies;
 - xii) monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and
 - xiii) oversee the development of Member skills and competencies in scrutiny.
- (b) The Overview and Committee will establish specific Task and Finish Groups to conduct scrutinies identified by it or to carry out any other specific role or function within the remit of the Overview and Committee. The role and functions of the Task and Finish Groups are:-
- (i) To carry out in depth scrutinies in accordance with terms of reference established by the Overview and Scrutiny Committee.
 - (ii) To carry out any other tasks assigned by the Overview and Scrutiny Committee in pursuance of its functions.
- The O&S Committee and full meetings of the Overview and Scrutiny Task and Finish Groups shall be serviced by Officers of the Democratic Services Team.
- (c) The Overview and Scrutiny Committee will comprise a Chair and 7 **8** (*reviewable at the Council's Annual Meeting*) other Councillors who will be designated as Scrutiny Lead Members.
- (d) The Chair of the Overview and Scrutiny Committee will be a member of a political group not forming part of the ruling administration.
- (e) All members, other than Executive Committee Members and irrespective of political group, are eligible to serve on the Overview and Scrutiny Committee and any Task and

PART 2

Finish Group. ***For ease of reference, these Members will be known as “O&S” or “Overview & Scrutiny” Members.***

- (f) Each Task and Finish Group established by the Overview and Scrutiny Committee will be led by an identified member of the Overview and Scrutiny Committee. The Chair of the Overview and Scrutiny Committee is not expected to lead a Task and Finish Group carrying out in-depth scrutinies. The size of each Task and Finish Group will vary according to the purpose for which it is established and its membership shall be agreed by the Overview and Scrutiny Committee in consultation with the Leaders of the political groups.
- (g) Task and Finish Groups will not be established as Committees of the Council for the purposes of the Council's Procedural Standing Orders or Access to Information Rules.
- (h) The places on the Overview and Scrutiny Committee need not be allocated strictly in accordance with the political balance of the Council. Similarly, places on Task and Finish Groups need not be allocated strictly in accordance with the political balance of the Council. Instead the principle of proportionality will be applied more flexibly to enable members with a particular knowledge or interest or commitment to take part in a particular scrutiny task.
- (i) The Chair and Vice-Chair of the Overview and Scrutiny Committee and other lead scrutiny members on the Overview and Scrutiny Committee will be appointed by the Council.
- ~~(j) No substitute membership on the Overview and Scrutiny Steering Committee, or any Task and Finish Group is allowed.~~
- (j) For the purposes of continuity, substitute membership on the Overview and Scrutiny Committee, and on any Task & Finish Group, particularly during a topic review, is discouraged and allowed only at the Chair's discretion.***

6.2 Proceedings and Reports

- (a) The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- (b) Task and Finish Groups will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution as apply to them.

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- (c) The Overview and Scrutiny Committee will submit an annual report to the Council as part of the overview and scrutiny arrangements.

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Overview and Scrutiny Procedure Rules

1. **General**

The Council will have the Overview and Scrutiny Committee (size to be reviewed annually) set out in Article 6 and will appoint to it as it considers appropriate from time to time. Such Committee may appoint Sub-Committees and/or Task and Finish Groups or other subsidiary meetings, for specific purposes, which shall be Chaired by a member of the parent Overview and Scrutiny Committee for the purposes of proper reporting.

2. **Who may sit on the Overview and Scrutiny Committee?**

All Councillors except members of the Executive Committee may be Overview and Scrutiny members. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

The Overview and Scrutiny Committee (or Sub-Committee / Task & Finish Group) shall be entitled to appoint one or more persons as non-voting co-optees either for fixed periods in relation to specific issues or as permanent members in relation to specific items of business.

4. **Meetings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will meet at a frequency determined by the Council and specified in the approved Calendar of Meetings. ~~There shall be at least 6 ordinary meetings of the Overview and Scrutiny Committee in each year.~~ Additional meetings may be called from time to time as and when appropriate.

5. **Quorum**

The quorum for the Overview and Scrutiny Committee shall be 3 elected Members.

6. **Who chairs Overview and Scrutiny Committee meetings?**

The appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee shall be by the Council. Terms of office shall be as the Council shall determine (unless otherwise agreed, this will be until the next Annual Meeting of the Council).

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7. Overview and Scrutiny Committee Work Programme

The Overview and Scrutiny Committee will perform the Work Programme it determines for itself, and in so doing, shall take into account the wishes of Committee members who are not members of the largest political group on the Council.

8. Agenda items

Any member of the Council shall be entitled to give notice to the Proper Officer (~~Borough Director~~ / Chief Executive) that he/she wishes an item relevant to the functions of a Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee.

On receipt of such a request the Proper Officer will ensure the item is added to the Committee Work Programme or, in consultation with the Chair, the agenda for the next meeting of the Committee, for further consideration.

9. Policy review and development

- (a) 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 the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. Committee members may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- (d) Spend of Overview and Scrutiny Committee budgets shall be the responsibility of the ~~Borough Director and Head of Democratic Services~~ **Democratic Services Manager**, in

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consultation with *the* relevant **Chair of the O&S Committee**. ~~s as appropriate.~~

10. **Reports from Overview and Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration:
- by the Executive Committee (if the proposals are consistent with the existing budgetary and policy framework), or
 - via the Executive Committee to the full Council as appropriate (for instance, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- (c) The Council or Executive Committee shall consider the report of the Overview and Scrutiny Committee within 2 meetings (of the Executive Committee) of it being submitted to the Proper Officer.

11. **Making sure that Overview and Scrutiny reports are considered by the Executive Committee**

The agenda for Executive Committee meetings shall include an item entitled "Matters arising from Overview and Scrutiny". The reports of Overview and Scrutiny Committees referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda) within two meetings of the Overview and Scrutiny committee completing its report / recommendations.

12. **Rights of Overview and Scrutiny members to documents**

- (a) In addition to their rights as Councillors, Overview and Scrutiny members have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

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- (b) Nothing in this paragraph prevents more detailed liaison between the Executive Committee and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. **Members and Officers giving account**

- (a) The Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.

As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive Committee, the Head of Paid Service and/or any senior Officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any Member or Officer is required to attend the Overview and Scrutiny Committee (or Sub-Committee / Task & Finish Group) under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice or such other period of notice as the Proper Officer shall deem appropriate of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.

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.

- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place within a maximum of 28 days or such other period as the Proper Officer shall deem

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appropriate from the date of the original request.

14. Attendance by others

The Overview and Scrutiny Committee (or Sub-Committee / Task & Finish Group) may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

15. Call-in

Section 21(3) of the Local Government Act 2000.

Call-ins should only be used in exceptional circumstances.

These are where the Overview & Scrutiny Committee, or any 3 members of the Council have evidence which suggest that the Executive Committee did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Executive Committee, or a Key Decision is made by an Officer with delegated authority from the Executive Committee, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made, or as soon as reasonably practicable.

All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (b) The published decision (or notice) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, **on the expiry of 5 working days** after the publication of the decision, unless the Overview & Scrutiny Committee or any 3 members of the Council object to it and call it in.
- (c) During that period, the Proper Officer shall call-in a decision for scrutiny on request of the Overview and Scrutiny Committee or any three members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case **within 5 working days**

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of the decision to call-in.

- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker he/she/they shall then reconsider at the next appropriate meeting of the Executive Committee, amending the decision or not, before adopting a final decision.
- (e) If, following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further **5 working day period**, whichever is the earlier.
- (f) If the matter was referred to the full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.

However, if the Council does object, it is not in a position to make decisions in respect of an Executive Committee decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Committee, a meeting will be convened to reconsider at the next appropriate meeting of the Executive Committee.

- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

Call-in and urgency

- (h) The call-in procedure set out above shall not apply where the decision being taken by the Executive Committee is urgent. A decision will be urgent if any delay likely to be

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caused by the call in process would, for example, 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 body or person the decision is an urgent one, and therefore not subject to call-in.

The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required.

In the absence of both, the Head of Paid Service (~~Borough Director~~ / Chief Executive) or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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.

Call-in and recommended items

The Call-in arrangements do not apply to "Recommended" items. However, the Council may defer any recommendation of the Executive Committee for consideration by an Overview and Scrutiny Committee (and see also item 8 above re general powers to raise Agenda Items).

17. The party whip

Definition: "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/she speak or vote in any particular manner. "

When considering any matter in respect of which a member of the Overview and Scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

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Note

Although the Secretary of State believes that whipping is incompatible with Overview and Scrutiny, and recommends that it should not take place, it is a matter for political parties to consider both locally and nationally.

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Article 7 – The Executive Committee

*Section 11 and schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapters 4, 14, and 15, DETR Guidance.*

THE ROLE OF THE EXECUTIVE COMMITTEE

7.1 **Role**

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

(A full list of the local authority's functions and responsibilities are attached at Constitution Annex B.)

7.2 **Form and composition**

The Executive Committee will consist of the Executive Committee Leader together with such number of Councillors as is appointed to the Executive Committee by the Council (subject to review at the Annual Meeting of the Council).

7.3 **Leader**

The Leader will be a Councillor elected to the position of Leader by the Council. The Council may also elect a Deputy Leader. The Leader and Deputy Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor; or
- (d) until his or her re-appointment at or the appointment of a successor at the date of the next Annual Meeting save that the Council may remove the leader from office at an earlier date but only in the event of a change in political control of the Council.

In the absence of the Leader, the functions and powers of the Leader may be performed by the Deputy Leader.

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7.4 Other Executive Committee Members

Other Executive Committee members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office, either individually or collectively, by resolution of the Council.

- (d) until his or her reappointment at or the appointment of a successor at the date of the next Annual Meeting save that the Council may remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

7.5 Proceedings of the Executive Committee

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

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Executive Procedure Rules

References:

Chapters 4–7, DETR Guidance

1.1 Who may make executive decisions?

The executive arrangements adopted by the Council provide for executive functions to be discharged by:

- i) the Executive Committee as a whole;
- ii) an Officer;
- iii) joint arrangements; or
- iv) another local authority.

1.2 Sub-delegation of executive functions

- (a) Where the Executive Committee is responsible for an executive function, they may delegate further to joint arrangements or an Officer or another local authority.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the Executive Committee.

1.3 The Council's Scheme of Delegation and Executive Functions

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.

1.4 Conflicts of Interest

- (a) Where the Leader 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.
- (b) If every member of the Executive Committee has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to an Officer, to joint arrangements or another local authority, should a conflict of interest arise, then the function will be exercised in the first instance by the Executive Committee and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

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1.5 **Executive Committee meetings – when and where?**

The Executive Committee will meet at a frequency determined by the Council and specified in the approved Calendar of Meetings. The Executive Committee shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 **Public or private meetings of the Executive Committee?**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.7 **Quorum**

The quorum for a meeting of the Executive Committee shall be one quarter of the total number of members of the Executive Committee (including the Leader or, in his/her absence, the Deputy Leader).

1.8 **How are decisions to be taken by the Executive Committee?**

Executive decisions which have been delegated to the Executive Committee as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2. **How are Executive Meetings conducted?**

2.1 **Who presides?**

The Leader, or in his/her absence the Deputy Leader, will preside at any meeting of the Executive Committee at which he/she is present, or may appoint another person to do so.

In the absence of the Leader or Deputy Leader and if no person shall have been appointed by the Leader to preside, the person appointed by the Executive Committee from among the membership of the Committee to preside over the meeting shall so preside or in the absence of such appointment, the ~~Borough Director~~ **Chief Executive** shall preside.

2.2 **Who may attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution. It is a matter for the Executive Committee to determine if these rules should be widened, for example to enable members of the public to attend meetings that would otherwise be private.

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2.3 What business?

At each meeting of the Executive Committee, the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive Committee (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive Committee in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from Overview and Scrutiny Committees; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Executive Committee from any member of the Executive Committee or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive Committee. He/she may put on the agenda of any Executive Committee meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive Committee of it or any Member or Officer in respect of that matter. The Proper Officer (~~Borough Director~~ **Chief Executive**) will comply with the Leader's requests in this respect.

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Any member of the Council may ask the Leader to put an item on the agenda of an Executive Committee meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive Committee. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.

2.6 Portfolio Holders

For the purpose of ensuring openness, accountability and transparency, the Council has determined that there shall be appointed from among the membership of the Executive Committee at each Annual Meeting (or otherwise as decided from time to time), Members responsible for

- i) monitoring performance and implementation of Members' decisions and policy; and
- ii) acting as consultees for Officers (but not as spokespersons) in relation to the agreed Corporate Priorities.

Portfolios should reflect Corporate Priorities for the period of the Corporate Plan.

The currently approved Portfolios are:

- Community Leadership & Partnership
- Community Safety
- Corporate Management
- Housing, **Local Environment** and Health
- Leisure & Tourism
- ~~Local Environment~~, Planning, **Economic Development** and Transport.

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Article 8 – Regulatory and Other Committees

8.1 Regulatory and other Committees

The Council will appoint the Committees set out in the left hand column of the table below, with responsibility for Council Functions described in Part 3 of this Constitution summarised in the right hand column of the said table to discharge the functions described in Part 3.

The Council proposes to have the following regulatory and other Committees:

Audit	To promote proper internal control, properly focus audit resources and independently monitor audit performance. <i>To act as a focus for Risk Management matters. To be chaired by an Opposition Member.</i>
Employment	To consider appeals against dismissal, grading and grievances by employees of the Council.
Health and Safety	Functions relating to Health and Safety.
Housing	To consider appeals, reviews and references under Appeals Housing and Benefits legislation.
Planning	Functions relating to Town and Country Planning and Development Control.
Licensing	Functions relating to the Licensing Act 2003 (Premises and Personal Licences), and the Gambling Act 2005, and miscellaneous other licensing and enforcement matters.
Regulatory	Miscellaneous other licensing and enforcement.
Standards	A cross-party Committee comprising Borough Council Members, Parish Council Members and Independent Members to deal with matters of conduct (see Article 9).

The Council also retains structures for enabling Employee and Trades Union liaison (“Informal Trades Union Liaison Meeting” – ITUL) and to continue with its current Highways Partnership

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arrangements with Worcestershire County Council (“Highways Partnership Forum”) ~~(Currently under review)~~.

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Article 9 - The Standards Committee

References:

Sections 53-55 and Sections 81(5), Local Government Act 2000

9.1 Standards Committee

The Council meeting will establish a Standards Committee.

9.2 Composition

(a) Chair

The Chair of the Standards Committee, and of any Sub-Committee of the Standards Committee, will be an Independent member.

(b) Parish members.

At least one parish member must be present when matters relating to the Parish Council or its members are being considered.

(c) Sub-Committees

The Standards Committee shall have three Sub-Committees, comprising 1 Independent Member and at least 2 other Members, one of whom must be a Parish Councillor if the Sub-Committee is considering a complaint against a Parish Councillor:

- (i) an Assessment Committee to receive and assess complaints;
- (ii) a Review Committee to review assessment decisions; and
- (iii) a Hearings Committee to hear and determine complaints which have been investigated.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by the Mayor, Councillors, independent and co-opted members;
- (b) assisting the Mayor, Councillors, independent and co-opted members to observe the Members' Code of Conduct;

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- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train the Mayor, Councillors, independent and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to the Mayor, Councillors, independent and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards Officer to the Monitoring Officer.
- (h) receiving and assessing complaints against Members;
- (i) reviewing local assessment decisions in relation to complaints against Members;
- (j) conducting and determining hearings following investigation of complaints against Members;
- (k) granting exemptions for politically restricted posts
- (l) the exercise of (a) to (k) above in relation to Feckenham Parish Council and the members of Feckenham Parish Council.

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Article 10 - Neighbourhood Groups (“Area Forums”)

References:

Part VA, Local Government Act 1972

Section 13, Local Government and Housing Act 1989

Reg. 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990

Section 18, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

Chapters 6 and 9, DETR Guidance

10.1 **Area Forums**

~~In the light of the results of the second stage consultation, the Council decided to continue with Area Forums in the form of its Neighbourhood Groups. There are 13 such forums in total and their role is primarily consultative. The Groups currently meet three times a year.~~

10.2 **Form, composition and function**

The Council will appoint Neighbourhood Groups as set out below:

A. Abbeydale, Abbey Park, Riverside & Town Centre Neighbourhood Group

All Abbey Ward Members.

B. Astwood Bank Neighbourhood Group

All Astwood Bank and Feckenham Ward Members.

C. Batchley and Brockhill Neighbourhood Group

All Batchley and Brockhill Ward Members.

D. Central – Smallwood and Southcrest Neighbourhood Group

All Central Ward Members.

E. Church Hill Neighbourhood Group

All Abbey and Church Hill Ward Members.

F. Crabbs Cross, Callow Hill, Hunt End and Walkwood Neighbourhood Group

All Crabbs Cross and Astwood Bank & Feckenham Ward

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Members.

G. Greenlands, Woodrow and Wirehill Neighbourhood Group

All Greenlands Ward Members.

H. Headless Cross Neighbourhood Group

All Headless Cross and Oakenshaw Ward Members.

I. Lodge Park, Lakeside and St. Georges Neighbourhood Group

All Lodge Park Ward Members.

J. Matchborough Neighbourhood Group

All Matchborough Ward Members.

K. Oakenshaw Neighbourhood Group

All Headless Cross and Oakenshaw Ward Members.

L. Webheath Neighbourhood Group

All West Ward Members.

M. Winyates and Winyates Green Neighbourhood Group

All Winyates Ward Members.

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Article 11 Joint Arrangements

References:

Sections 2, 19, 20 LGA 2000

Chapters 6 and 9, DETR Guidance,

*The Local Authorities (Arrangements for the Discharge of Functions)
(England) Regulations 2000*

11.1 Arrangements to promote well-being

The duty to prepare a community strategy and the power to promote well-being are closely related to the Community Leadership role of the Council – and specifically the Executive Committee. Consequently, the Council may wish to exercise the power to promote well-being through joint arrangements of various kinds.

The Executive Committee, in order to promote the economic, social or environmental well-being of its area, may:

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

11.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executive Committees to exercise functions which are not Executive Committee functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint Committee with these other local authorities.
- (b) The Executive Committee may establish joint arrangements with one or more local authorities to exercise functions which are Executive Committee functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- (c) Except as set out below, the Executive Committee may only appoint Executive Committee members to a joint Committee and those members need not reflect the political composition of the local authority as a whole.

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-
- (d) The Executive Committee may appoint members to a joint Committee from outside the Executive Committee in the following circumstances:
- i) the joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive Committee may appoint to the joint Committee any Councillor who is a member for a ward which is wholly or partly contained within the area;
 - ii) the joint Committee is between a county Council and a single District Council and relates to functions of the Executive Committee of the County Council. In such cases, the Executive Committee (or equivalent) of the County Council may appoint to the joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.
- In both of these cases the political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint Committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.3 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint Committee are members of the Executive Committee in each of the participating authorities then its access to information regime is the same as that applied to the Executive Committee.
- (c) If the joint Committee contains Members who are not on the Executive Committee of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive Committee functions to another local authority or, in certain circumstances, the Executive Committee of another local authority.

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- (b) The Executive Committee may delegate Executive Committee functions to another local authority or the Executive Committee of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting out

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

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Article 12 Officers

References:

Chapters 8 and 9, DETR Guidance

12.1 Management structure

(a) General.

The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) Chief Officers.

The Council will engage persons for the following posts, who will be designated “Chief Officers”:

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer.

The Council will designate the following posts as shown: Such posts will have the functions described in Article 12.02–12.04 below.

(d) Structure.

The Head of Paid Service will determine and publicise a description of the overall “departmental” structure of the Council showing the management structure and deployment of Officers. This is summarised in the initial summary and set out in detail at Part 7 of this Constitution.

12.2 Functions of the Head of Paid Service

(a) Discharge of functions by the Council.

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

(b) Restrictions on functions.

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

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12.3 Functions of the Monitoring Officer

(a) Maintaining the Constitution.

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) Ensuring lawfulness and fairness of decision making.

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

(c) Supporting the Standards Committee.

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

(d) Receiving reports.

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

(e) **Receiving complaints**

The Monitoring Officer will receive complaints made against Members of Redditch Borough Council and Feckenham Parish Council and will prepare such complaints for consideration by the Standards Committee.

(f) Conducting investigations.

The Monitoring Officer will conduct investigations into matters referred by ~~ethical standards Officers~~ **the Standards Committee** and make reports or recommendations in respect of them to the Standards Committee.

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(g) Proper Officer for Access to Information.

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

(g) Advising whether Executive Committee decisions are within the budget and policy framework.

The Monitoring Officer will advise whether decisions of the Executive Committee are in accordance with the budget and policy framework.

(h) Providing advice.

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

(i) Restrictions on posts.

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

12.4 Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive Committee in relation to an Executive Committee function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs.

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

(c) Contributing to corporate management.

The Chief Finance Officer will contribute to the corporate

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management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice.

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

He/she will support and advise Councillors and Officers in their respective roles.

(e) Give financial information.

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

12.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer / Member Relations set out in Part 5 of this Constitution.

12.7 Employment

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

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Article 13 - Decision Making

13.1 Responsibility for decision making

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

13.2 Principles of decision making

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

The Council's general principles are:

- (a) legality / power to make decisions;
- (b) proportionality
(the action must be proportionate to the desired outcome);
- (c) a proper consideration of available options for action and/or inaction;
- (d) due consultation and the taking of professional advice from Officers;
- (e) respect for human rights (see below for further details);
- (f) a presumption in favour of openness and transparency of decision-making, including giving reasons for the decision ;
- (g) clarity of aims and desired outcomes;
- (h) avoidance of conflicts of interest; and
- (i) all relevant considerations will be taken into account and all irrelevant factors will be ignored [per Associated Picture Palaces v Wednesbury Corporation [1948] 1 KB 223].

13.3 Types of decision

(a) Decisions reserved to the full Council

Decisions relating to the functions listed in Article 4. 02 will be made by the full Council and not delegated.

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(b) Decisions reserved to the Executive and “Key Decisions”

- (i) “Key Decisions” may not be taken by an individual Executive Member. The relevant Regulations (The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (SI 2000/3272) as amended) provide that an Executive decision will be a “Key Decision” if it is likely
- A. to result in any variation to the approved Budget (capital and revenue) and Policy Framework for any service or function which requires the approval of the Council; **OR**
- B. to result in the local authority incurring expenditure, or making savings, amounting in total to £50,000 or more (except in those cases where the Council or the Executive Committee have delegated authority to Officers to make decisions resulting in expenditure amounting to £50,000 or more under the terms of the delegation); **OR**
- C. to be significant in terms of its effects on communities living or working in an area comprising one or more Council Wards, even where there may not be any financial implications.

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

Where the decision-maker has any doubt as to whether the decision may or may not be significant for the purposes of this paragraph, the decision-maker shall consult the Leader(s), Portfolio Holder(s), relevant Ward Members and the **Chief Executive** ~~Borough Director~~.)

Save that in the case of any procurement, the same shall be dealt with by the Executive Committee if the contract does not exceed revenue budget limits set by Council;

For the avoidance of doubt:-

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- (i) the above definitions are not meant to capture day to day operational management decisions covered by the Council's Scheme of Delegation to Officers;
- (i) Reports shall not be split so as to circumvent the "Key Decisions" limits and each Executive decision can be the subject of a request for call-in.

It is also important to understand that, in addition to taking relevant "Key Decisions" falling within its remit, the Executive Committee will also consider:-

- (a) The draft budget or a draft of one or other of the plans and strategies which make up the Council's "Policy Framework" and set out in Article 4 of this Constitution. The Executive's role in relation to these matters will be to agree a draft which will then be presented to the full Council for approval;
- (b) Other decisions which, whilst they are not "Key Decisions", are considered by the Leader of the Council to have significant cross-cutting or corporate implications;
- (c) Any Executive decision called-in by any Overview and Scrutiny Committee.
 - (ii) A decision taker may only make a Key Decision in accordance with the requirements of the Executive Committee Procedure Rules set out in Part 4 of this Constitution.
- (d) **Other decisions**

All other decisions will be non-Executive (i.e. relating to Overview and Scrutiny, Regulatory and Standards Committee matters) or decisions taken by Officers under the Council's Scheme of Delegation to Officers.

13.4 Decision making by the full Council

Subject to Article 13. 08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Executive Committee

Subject to Article 13. 08, the Executive Committee will follow the Executive Committee Procedures Rules set out in Part 4 of this Constitution when considering any matter.

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13.6 Decision making by the Overview and Scrutiny Committee

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

13.7 Decision making by other Committees and Sub-Committees established by the Council

Subject to Article 13. 08, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

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

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Article 14 - Finance, Contracts and Legal Matters

References:

*Sections 135, 151, 223 & 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988.*

14.1 Financial management

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

14.2 Contracts

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

14.3 Legal proceedings

The **Chief Executive Borough Director** and the Head of Legal, Democratic & Property Services are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the **Chief Executive Borough** and the Head of Legal, Democratic & Property Services consider that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

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

Any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function shall be made in writing. Such contracts must either be signed by the **Chief Executive Borough Director** or the Head of Legal, Democratic & Property Services or Legal Services Manager, or made under the Common Seal of the Council attested and duly attested.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal, Democratic & Property Services.

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A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the **Chief Executive Borough Director** or the Head of Legal, Democratic & Property Services should be sealed.

The affixing of the Common Seal will be attested by the **Chief Executive Borough Director** or the Head of Legal, Democratic & Property Services

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Article 15 - Review and Revision of the Constitution

References:

*Sections 30 and 37, Local Government Act 2000
Chapters 10 and 15, Guidance.*

15.1 Duty to monitor and review the Constitution

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

Protocol for monitoring and review of constitution by Monitoring Officer

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

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 Changes to the Constitution

(a) Approval

Other than administrative changes which result from decisions of the full Council, such as changes of Committee size and/or composition and to Member Positions, such as Portfolio Holders, or minor textual changes, changes to the Constitution will only be approved by the full Council after consideration of the report of the Monitoring Officer.

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- (b) Change from a “Leader and Cabinet” form of Executive Committee to “alternative arrangements”, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

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Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

(a) Limit to suspension.

The Articles of this Constitution may not be suspended. The Rules specified in Part 4 of this Constitution may be suspended by the full Council to the extent permitted within those Rules, Standing Orders and the law.

(b) Procedure to suspend:

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.2 Interpretation

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

16.3 Publication

- (a) The **Chief Executive** ~~Borough Director~~ will give a printed copy of this Constitution to each member of the Council upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Member first being elected to the Council.
- (b) The **Chief Executive** ~~Borough Director~~ will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee **photocopying charges**.
- (c) The **Chief Executive** ~~Borough Director~~ will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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SCHEDULE 1:

Description of Executive Committee Arrangements

The following parts of this Constitution constitute the Executive Committee arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive Committee) and the Executive Committee Procedure Rules
3. Article 10 Area Forums (Neighbourhood Groups)
4. Article 11 (Joint arrangements)
5. Article 13 (Decision making) and the Access to Information Procedure Rules
6. Part 3 (Responsibility for Functions).

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SCHEDULE 2:

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (extracts)

1. FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

(1) Function	(2) Provision of Act or Statutory Instrument
[A Functions relating to town and country planning and development control	
1
2
3
4
5 Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).
6 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
7 Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
8 Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
9 Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder.
10 Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492).
11 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).
12 Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
13 Power to issue a certificate of	Sections 191(4) and 192(2) of the

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existing or proposed lawful use or development.	Town and Country Planning Act 1990.
14 Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
15 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666).
16 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
17 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
18 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
[18A Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.]
19 Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
20 Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
21 Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.
23 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
24 Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, . . . and 33(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].
25 Power to determine applications for conservation area consent.	Section 16(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)], as applied by section 74(3) of that Act.
26 Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)] and regulations 3 to 6 and 13 of [the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)] and

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<p>27 Power to serve a building preservation notice, and related powers.</p>	<p>[paragraphs 8, 15 and 26 of the Department of the Environment, Transport and the Regions Circular 01/01]. Sections 3(1) and 4(1) of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].</p>
<p>28 Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.</p>	<p>Section 38 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].</p>
<p>29 Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>Sections 47 and 48 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].</p>
<p>30 Power to apply for an injunction in relation to a listed building.</p>	<p>Section 44A of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].</p>
<p>31 Power to execute urgent works.</p>	<p>Section 54 of [the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9)].</p>
<p>B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>	
<p>1 Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).</p>
<p>2 Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936 (c 49).</p>
<p>3 Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57);</p>
	<p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>4 Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>5 Power to license operators of hackney carriages and private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>

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6 Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c 2) [as saved for certain purposes by article 3(3)(c) of the Gambling Act Order].
7 Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order].
8 Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 [as saved for certain purposes by article 3(3)(e) of the Gambling Act Order].
9 Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c 65) [as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order].
10 Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c 32) [as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order].
11 Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 [as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order].
12 Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c 13).
13 Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c 54).
14 Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c 33), section 79 of the Licensing Act 1964 (c 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30).
[14A Functions relating to licensing.	Sections 5 to 8 of the Licensing Act 2003 (c 17).]
[14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the [2005 Act].]
[14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.]
[14AC Functions relating to occasional	Section 39 of the 2005 Act.]

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use notices.	
[14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.]
[14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.]
[14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.]
[14D Power to institute criminal proceedings	Section 346 of the 2005 Act.]
[14E Power to exchange information.	Section 350 of the 2005 Act.]
[14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).]
[14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.]
[FA Functions relating to smoke-free premises, etc	
.]
15 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
16 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).
17 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
18 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).
19 Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c 33) and Part V of the London Local Authorities Act 1995 (c x).
20 Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and section 6 of the London Local Authorities Act 1994 (c xii).
21 Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.

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22 Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c 66).
23 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licensing Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), sections 12(3) and 27 of the Local Government Act 1874 (c 73), and section 213 of the Local Government Act 1972 (c 70).
24 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).
25 Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c 69).
26 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).
27 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).
28 Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c 40).
29 Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c 11).
30 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
31 Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).
32 Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37).
33 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).
34 Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (SI 1999/646).
35 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 33), byelaws

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36 Power to approve premises for the solemnisation of marriages.	made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).
37 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (b) an order under section 147 of the Inclosure Act 1845 (c 8 & 9 Vict c 118).	Section 46A of the Marriage Act 1949 (c 76) and the Marriages (Approved Premises) Regulations 1995 (S I 1995/510). Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843).
38 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).
39 Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (c 31) and section 2 of the House to House Collections Act 1939 (c 44).
40 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).
41 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).
42 Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c 16).
43 Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1995/11).
44 Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
45 Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
46 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).
[46A Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.
47A Duty to publish notice in respect of proposal to grant permission under	Section 115G of the Highways Act 1980.]

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section 115E of the Highways Act 1980.	
47 Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c 66).
48 Power to license planting, retention and maintenance of trees etc in part of highway.	Section 142 of the Highways Act 1980.
49 Power to authorise erection of stiles etc on footpaths or bridleways.	Section 147 of the Highways Act 1980.
50 Power to license works in relation to buildings etc which obstruct the highway.	Section 169 of the Highways Act 1980.
51 Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
52 Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
53 Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980.
54 Power to consent to construction of cellars etc under street.	Section 179 of the Highways Act 1980.
55 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
56 Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).
57 Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082).
58 Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205).
59 Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086).
60 Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520).
61 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763).
62 Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).
63 Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

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<p>64 Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>
<p>65 Power to approve factory vessels and fishery product establishments.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>
<p>66 Power to register auction and wholesale markets.</p>	<p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>
<p>67 Duty to keep register of food business premises.</p>	<p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828).</p>
<p>68 Power to register food business premises. [69 Power to issue near beer licence.</p>	<p>Regulation 9 of the Food Premises (Registration) Regulations 1991. Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c x) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.</p>
<p>70 Power to register premises or stalls for the sale of goods by way of competitive bidding [71 Power to register motor salvage operators.</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984 (c xxvii).] Part I of the Vehicles (Crime) Act 2001 (c 3).]</p>
<p>C Functions relating to health and safety at work Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p>	<p>Part I of the Health and Safety at Work etc Act 1974 (c 37).</p>
<p>D Functions relating to elections 1 Duty to appoint an electoral registration officer. 2 Power to assign officers in relation to requisitions of the registration officer. 3 Functions in relation to parishes and parish councils.</p>	<p>Section 8(2) of the Representation of the People Act 1983 (c 2). Section 52(4) of the Representation of the People Act 1983. Part II of the Local Government and Rating Act 1997 (c 29) and subordinate legislation under that Part.</p>

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4 Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7 Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c 24).]
8 Duty to divide constituency into polling districts.	[Sections 18A to 18E of, and Schedule A1 to,] of the Representation of the People Act 1983.
9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10 Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11 Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12 Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13 Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14 Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15 Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16
17 Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).
[18 Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act.
19 Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20 Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21 Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act.
22 Functions relating to change of name of electoral area.	Section 59 of the 2007 Act.]
E Functions relating to name and status of areas and individuals	

PART 2

- 1 Power to change the name of a county, district or London borough.
- 2 Power to change the name of a parish.
- 3 Power to confer title of honorary alderman or to admit to be an honorary freeman.
- 4 Power to petition for a charter to confer borough status.

[EA Functions relating to changing governance arrangements

(1)

Function

- 1 Duty to draw up proposals.
- 2 Duty to consult prior to drawing up proposals.
- 3 Duty to implement new governance arrangements.
- 4 Duty to comply with direction given by the Secretary of State.
- 5 Duty to hold referendum.
- 6 Duty to publish notice if proposals not approved in referendum.
- 7 Duty to obtain written consent of elected mayor.

EB Functions relating to community governance

(1)

Function

- 1 Duties relating to community governance reviews.
- 2 Functions relating to community governance petitions.
- 3 Functions relating to terms of reference of review.
- 4 Power to undertake a community governance review.
- 5 Functions relating to making of recommendations.
- 6 Duties when undertaking review.
- 7 Duty to publicise outcome of review.
- 8 Duty to send two copies of order to Secretary of State and Electoral Commission.
- 9 Power to make agreements about incidental matters.

Section 74 of the Local Government Act 1972.

Section 75 of the Local Government Act 1972.

Section 249 of the Local Government Act 1972.

Section 245b of the Local Government Act 1972.

(2)

Provision of Act or Statutory Instrument

Section 33E(2) of the 2000 Act.

Section 33E(6) of the 2000 Act.

Sections 33G and 33H of the 2000 Act.

Section 33I of the 2000 Act.

Section 33K(2) of the 2000 Act.

Section 33K(6) of the 2000 Act.

Section 33N of the 2000 Act.

(2)

Provision of Act or Statutory Instrument

Section 79 of the 2007 Act.

Sections 80, 83 to 85 of the 2007 Act.

Sections 81(4) to (6).

Section 82 of the 2007 Act.

Sections 87 to 92 of the 2007 Act.

Section 93 to 95 of the 2007 Act.

Section 96 of the 2007 Act.

Section 98(1) of the 2007 Act.

Section 99 of the 2007 Act.]

PART 2

[F Power to make, amend, revoke, re-enact or enforce byelaws]

Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 30).

[FA Functions relating to smoke-free premises, etc**(1)****Function**

- 1 Duty to enforce Chapter 1 and regulations made under it.
- 2 Power to authorise officers.
- 3 Functions relating to fixed penalty notices.

(2)**Provision of Act or Statutory Instrument**

Section 10(3) of the 2006 Act.

Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act. Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).

Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368).]

Section 239 of the Local Government Act 1972.

- 4 Power to transfer enforcement functions to another enforcement authority.

G Power to promote or oppose local or personal Bills**H Functions relating to pensions etc**

- 1 Functions relating to local government pensions, etc

Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).

[2 Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004

Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c 21).]

[I Miscellaneous functions**(1)****Function**

Part I: functions relating to public rights of way

(2)**Provision of Act or Statutory Instrument**

- 1 Power to create footpath[, bridleway or restricted byway] by agreement.

Section 25 of the Highways Act 1980 (c 66).

- 2 Power to create footpaths[, bridleways and restricted byways].

Section 26 of the Highways Act 1980.

- 3 Duty to keep register of information with respect to maps, statements and declarations.

Section 31A of the Highways Act 1980.

- 4 Power to stop up footpaths[, bridleways and restricted byways].

Section 118 of the Highways Act 1980.

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5 Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6 Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7 Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8 Power to divert footpaths[, bridleways and restricted byways].	Section 119 of the Highways Act 1980.
9 Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10 Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11 Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12 Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13 Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14 Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15 Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16 Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17 Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18 Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19 Power to authorise temporary disturbance of surface of footpath[, bridleway or restricted byway].	Section 135 of the Highways Act 1980.
20 Power temporarily to divert footpath[, bridleway or restricted byway].	Section 135A of the Highways Act 1980.
21 Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22 Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23 Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c 67).
24 Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c 69).
25 Power to include modifications in	Section 53A of the Wildlife and

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other orders.	Countryside Act 1981.
26 Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27
28 Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29 Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c 38).
30 Power to extinguish public right of way over land acquired for clearance. [30A Power to authorise stopping up or diversion of highway.	Section 294 of the Housing Act 1981 (c 68).
31 Power to authorise stopping-up or diversion of footpath[, bridleway or restricted byway].	Section 247 of the Town and Country Planning Act 1990 (c 8).]
32 Power to extinguish public rights of way over land held for planning purposes.	Section 257 of the Town and Country Planning Act 1990.
33 Power to enter into agreements with respect to means of access.	Section 258 of the Town and Country Planning Act 1990.
34 Power to provide access in absence of agreement.	Section 35 of the Countryside and Rights of Way Act 2000 (c 37).
<i>Part II: other miscellaneous functions</i>	Section 37 of the Countryside and Rights of Way Act 2000.
35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c 38).
36 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c 70).
37 Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
38 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39 Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40 Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.
41 Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c 69).
42 Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c 30).

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43 Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).
44 Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
[44A Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.
44B Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.]
45 Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (SI 1996/590).
46 Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (SI 1997/1160).
47 Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (SI 1999/1892).
[47A Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.]
48 Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
[49 Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).]

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2. FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.
2. The determination of an appeal against any decision made by or on behalf of the authority.
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.
4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.
5. The making of arrangements pursuant to sections 94(1), (1A) and (4) of the 1998 Act (admissions appeals).
6. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).
7. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
- 9.
10. Any function relating to contaminated land.
11. The discharge of any function relating to the control of pollution or the management of air quality.
12. The service of an abatement notice in respect of a statutory nuisance.
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
14. The inspection of the authority's area to detect any statutory nuisance.
15. The investigation of any complaint as to the existence of a statutory nuisance.
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

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- 18.** The making of agreements for the execution of highways works.
- 19.** The appointment of any individual--
- (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than--
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
 - (c) to any committee or sub-committee of such a body,
- and the revocation of any such appointment.
- 20.** The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
- 21.** Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of this Schedule).
- 22.** Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.

PART 2

3. **FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE**

(1) <i>Plans and strategies</i>	(2) <i>Reference</i>
Annual Library Plan	Section 1(2) of the Public Libraries and Museums Act 1964 (c 75).
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c 27).
[Children and Young People's Plan	Children and Young People's Plan (England) Regulations 2005.]
...	...
...	...
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c 37).
[Development plan documents	Section 15 of the 2004 Act.]
[Licensing Authority Policy Statement	Section 349 of the 2005 Act.]
...	...
[...]	...
[Local Transport Plan	Section 108(3) of the Transport Act 2000 (c 38).]
Plans and alterations which together comprise the Development Plan	(a) for Greater London and the metropolitan counties, section 27 of the Town and Country Planning Act 1990 (c 8); (b) for districts outside Greater London and the metropolitan counties, section 54 of that Act.
[Sustainable Community Strategy	Section 4 of the 2000 Act.]
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c 37).

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4. CIRCUMSTANCES IN WHICH FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

(1) <i>Function</i>	(2) <i>Circumstances</i>
<p>1 The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3.</p> <p>2 The determination of any matter in the discharge of a function which-</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p> <p>3 The determination of any matter in the discharge of a function--</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p> <p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made--</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with--</p> <p>(i) the authority's budget; or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p> <p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.</p>

PART 3

RESPONSIBILITY FOR FUNCTIONS (see also PART 2 / Article 7)

The roles and functions of the Executive

The Executive will exercise all of the local authority's functions which are not the responsibility of any other part of the local authority, by law or under the Council's Constitution.

The roles and functions of the Council

The Council will exercise:

- a) all the functions not to be the responsibility of the Executive as stated in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000), **other than *Miscellaneous function 45 (Duty to approve authority's statement of accounts...)***.

(For example: decisions about the extension of the permitted period of non-attendance at Council / Committee meetings for more than six months. Regulation 2. 11 of the Local Authorities - Functions and Responsibilities (England) Regulations 2000.)

- b) all the functions described in Regulation 3 of the said Regulations which may be the responsibility of the Executive,
- c) all the functions referred to in Regulation 4 of the said Regulations which are not to be the responsibility of the Executive as stated therein, and
- d) all the functions described in Regulation 5 of the said Regulations which shall not be the responsibility of the Executive as stated therein.

In particular, the Council reserves the following functions to itself:

- a) making, approving and adopting all policies, strategies and plans (the policy framework), as set out under Article 4 of the Constitution.
- b) adopting the budget, namely, the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits and for the avoidance of doubt, the management of the Housing Revenue Account and the setting of rents;

PART 3

- c) the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985 or otherwise.
- d) as modified by the Scheme of Delegation to Officers and Standing Orders, as relevant, decisions on the approval of acquisitions or disposals of land or interests in land and the letting of contracts
- (e) functions which are the responsibility of the Council by law or under the Constitution which will include;
 - (1) adopting and changing the Constitution;
 - (2) approving or adopting the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
 - (3) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
 - (4) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
 - (5) adopting an Allowances Scheme;
 - (7) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
 - (8) confirming the appointment of the Head of Paid Service;
 - (9) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
 - (10) all local choice functions which the Council decides should be undertaken by itself rather than the executive, namely:
 - (i) the determination of an appeal against any decision made by or on behalf of the authority;
 - (ii) the appointment of review boards under section 34(4) of the Social Security Act 1998 (determination of claims and reviews);

PART 3

- (iii) conduct of Best Value Reviews;
- (iv) any function relating to contaminated land;
- (v) the discharge of any function relating to the control of pollution or the management of air quality;
- (vi) the service of an abatement notice in respect of a statutory nuisance;
- (vii) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the area;
- (viii) the inspection of the authority's area to detect any statutory nuisance;
- (ix) the investigation of any complaint as to the existence of a statutory nuisance;
- (x) the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land;
- (xi) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- (xii) the making of agreements for the execution of highway works;
- (xiii) the appointment of any individual -
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than
 - (i) the authority,
 - (ii) a joint Committee of two or more authorities; or
 - (c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.
- (xiv) all other matters which by law must be reserved to Council or are reserved to the Council under the Constitution.

PART 4A

STANDING ORDERS – INCLUDING Contracts Standing Orders
(see separate APPENDIX A below)

(Section deleted – it duplicated the above)

PART 4B

Council Procedure Rules (see PART 2 / Article 4 – Page 22 above)

(Section deleted – it duplicated the above)

PART 4C

Access to Information Procedure Rules

References:

The Local Authorities (Executive Committee Arrangements) (Access to Information) Regulations 2000

The Local Authorities (Executive Committee Arrangements) (Access to Information) Amendment Regulations 2002

Sections 100A – H and schedule 12A Local Government Act 1972

Section 22 of The Local Government Act 2000

Chapter 7, DETR Guidance.

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Standards Committee and Regulatory Committees and public meetings of the Executive Committee (together called "meetings").

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at ("the designated office"):

The Town Hall, Walter Stranz Square, Redditch.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. 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 for the time the item was added to the agenda.

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6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the [Proper Officer] thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) [and in respect of Executive Committee reports, the advice of a political advisor].

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8.2 Public inspection of background papers

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

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at The Town Hall, Walter Stranz Square, Redditch.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

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

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

With effect from 1 March 2006, the revised reasons for exclusion of the public relate to:

- Exempt paragraph 1* – Information relating to any individual.
- Exempt paragraph 2* – Information which is likely to reveal the identity of any individual.

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- Exempt paragraph 3*# – Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - Exempt paragraph 4* – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 - Exempt paragraph 5* - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - Exempt paragraph 6* - Information which reveals that the authority proposes -
 - a) to give, under any enactment, a notice under, or by virtue of, which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
 - Exempt paragraph 7* – Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

Notes:

* Para's 1 – 7 above are all subject to the “public interest” test – i. e. the public interest in maintaining the exemption must outweigh the public interest in disclosing the information. (“Interest” in this sense relates not the narrow interests of individuals / groups, but to broad community interests.)

Information falling within paragraph 3 above is not exempt information if it is required to be registered under such legislation as the Companies Act, Friendly Societies Acts, Building Societies Acts, Charities Act, etc.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

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12. APPLICATION OF RULES TO THE EXECUTIVE COMMITTEE

Rules 13 – 24 apply to the Executive Committee and its Committees. If the Executive Committee 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. 03 of this Constitution.

If the Executive Committee 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. 03 of this Constitution. This requirement does not include meetings, whose sole purpose is for Officers to brief Members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive Committee or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

“Key Decisions”:

The Council has defined Key Decisions as

- (a) ones which are likely:
 - i) to result in any variation to the approved Budget (capital and revenue) and Policy Framework for any service or function which requires the approval of the Council; **OR**
 - ii) to result in the local authority incurring expenditure, or making savings, amounting in total to £50,000 or more (except in those cases where the Council or the Executive Committee have delegated authority to Officers to make decisions resulting in expenditure amounting to £50,000 or more under

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the terms of the delegation); **OR**

- (iii) likely to be significant in terms of its effects on communities living or working in an area comprising one or more Council Wards, even where there may not be any financial implications.

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

Where the decision-maker has any doubt as to whether the decision may or may not be significant for the purposes of this paragraph, the decision-maker shall consult the Leader(s), Portfolio Holder(s), relevant Ward Members and the **Chief Executive** ~~Borough Director~~.)

14. THE FORWARD PLAN

14.1 Period of Forward Plan

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

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive Committee or full Council, Officers, or under joint arrangements in the course of the discharge of an Executive Committee function during the period covered by the Plan. It will describe the following particulars in so far 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/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;

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- (d) the identity of the principal groups whom the decision taker proposes to consult before taking 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 Committee or decision taker 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 taker for consideration in relation to the matter.

The Forward Plan must be published at least 14 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 Plan will contain details of the Key Decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each 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.

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Exempt information need not be included in a Forward Plan and confidential information cannot be included.

15. GENERAL EXCEPTION

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:

- (a) 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;
- (b) the Proper Officer has informed the Chair 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;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Proper Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

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 Chair of the body making the decision, obtains the agreement of the Chair, or in their absence, the Vice-Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If the Chair or Vice-Chair of the Overview and Scrutiny Committee cannot be contacted, or if they are unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

17. REPORT TO COUNCIL

17.1 When the Overview and Scrutiny Committee can require a report

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

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- (c) the subject of an agreement with the Overview and Scrutiny Committee Chair, or the Mayor/Deputy Mayor under Rule 16; the Committee may require the Executive Committee to submit a report to the Council within such reasonable time as the Committee specifies. 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 Chair or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

17.2 Executive Committee's report to Council

The Executive Committee will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. 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 Reports on special urgency decisions

In any event the Leader will submit reports to the next available meeting of the Council on the Executive Committee decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding period. 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**

After any meeting of the Executive Committee, whether held in public or private, the Proper Officer or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. **EXECUTIVE COMMITTEE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

Meetings relating to matters which are not Key Decisions will normally, subject to consideration of any need to exclude the public for proper reasons relating to exempt business, be held in public.

20. **PRIVATE MEETINGS OF THE EXECUTIVE COMMITTEE**

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The Council has resolved that there will be no private meetings of the Executive Committee.

Officers

- a) The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Executive Committee. The Executive Committee may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- b) There is no requirement for the Executive Committee to meet in the presence of an Officer. In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

21. OVERVIEW AND SCRUTINY COMMITTEE'S ACCESS TO DOCUMENTS

21.1 Rights to copies

Subject to Rule 23. 2 below, the Overview and Scrutiny Committee (including its sub-Committees / Task & Finish Groups) will be entitled to copies of any document which is in the possession or control of the Executive Committee and which contains material relating to any business transacted at a public or private meeting of the Executive Committee.

21.2 Limit on rights

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.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1 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 Committee and

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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 6, 9, 11, 12 and 14 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

22.2 Material relating to Key Decisions

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 Executive Committee which relates to any Key Decision unless paragraph (a) or (b) above applies.

22.3 Nature of rights

These rights of a Member are additional to any other right he/she may have.

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Budget and Policy Framework Procedure Rules

Developing the budget and policy framework will be a key corporate process. It will set the context within which decision making by the Executive Committees will take place.

References:

Chapter 2, DETR Guidance

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Local Authorities (Standing Orders) (England) Regulations 2001

1. The framework for Executive Committee decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive Committee to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Executive Committee will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chair of the Overview and Scrutiny Committee together with dates when the Executive Committee will consider them further, which shall be at least 6 weeks after service of the notice on the Chair.
- (b) The Overview and Scrutiny Committee will be convened within 28 days to consider whether to respond to the Executive Committee's initial proposals and whether any consultation by it is appropriate. If so the Overview and Scrutiny Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Executive Committee within the timescale set for decision by the Executive Committee.
- (c) The Executive Committee will finalise its proposals for the Council to consider having taken into account the comments from the Overview and Scrutiny Committee.

The report to Council will show the Executive Committee's response to those comments.

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- (d) Subject to the provisions of paragraph 7B (Local Authorities Standing Orders (Amendment) Regulations 2002), the Council will consider the proposals of the Executive Committee and may decide to adopt them, amend them, refer them back to the Executive Committee for further consideration, or substitute its own proposals in their place.
- (e) A copy of the decision / Notice of Decision (which shall be made public in accordance with Article 4) shall be given to the Leader and the Proper Officer. The decision / Notice of Decision shall be dated and shall state whether the decision shall be effective immediately, whether the Council adopts the Executive Committee's proposal without amendment or if the Executive Committee's proposal is amended by the Council and adopted as amended or if the Council substitutes its own proposals and adopts them or if the Executive Committee's proposal is referred back to the Executive Committee for further consideration.
- (f) The Council's decision, whether or not in accordance with the recommendation of the Executive Committee, shall require a simple majority of those voting at the meeting.
- (g) Unless the Executive Committee's proposal is referred back to the Executive Committee for further consideration the decision shall be implemented immediately
- (h) In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive Committee in accordance with paragraphs 5 and 6 of these Rules if otherwise than as contained within the Council's Financial Regulations (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

- (a) Subject to the provisions of paragraph 5 (virement) the Executive Committee, and any Officers, or joint arrangements discharging Executive Committee functions may only take decisions which are in line with the budget and policy framework. 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 further to approval of the budget / policy variations by the Council.

PART 4D

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- (b) If the Executive Committee, any Officers, or joint arrangements discharging Executive Committee functions want to make such a decision, they 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. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision.

4. Virement

- (a) The Council shall have the budget heads contained in the attached Appendix:
- (b) Steps taken by the Executive Committee or Officers, or joint arrangements discharging Executive Committee functions to implement Council policy shall not exceed those budgets allocated to each budget head excluding staffing budget heads. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with the provisions of the Council's Financial Regulations or other constraints agreed by Council. Beyond that, approval to any virement across budget heads shall require the approval of the full Council.

5. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council whenever made, and decisions by the Executive Committee, Officers, or joint arrangements discharging Executive Committee 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.

6. Call-in of decisions outside the budget or policy framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive Committee 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.

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- (b) In respect of functions which are the responsibility of the Executive Committee, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Committee with a copy to every member of the Council.

Regardless of whether the decision is delegated or not, the Executive Committee must meet to decide what action to take in respect of the Monitoring 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.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- i) endorse a decision or proposal of the Executive Committee decision taker as falling within the existing budget and policy framework.

In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

OR

- ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Committee 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

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- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive Committee to reconsider the matter.

7A. Dispute Resolution on Budgets and Plans

In respect of the preparation of the Budget or a plan, policy or strategy forming part of the Strategic Framework, the procedure is that the Executive is required to prepare draft proposals and submit them to Council for approval, and Council has the right to approve them, amend them, reject them or send them back to the Executive for revision and resubmission. *The Government promised in the Guidance on Executive Constitutions that it would introduce a mandatory standing order to provide the Executive with a right to ask the Council to reconsider any proposed decision which ran counter to the Executive's proposals for either Budget or plans. This standing order is now set out in the Regulations, and the Council is required to adopt the standing order "as soon as reasonably practicable" after 7 November 2001. The Standing Order is as set out in Appendix One to this report, and the Council has no power to alter the text of the Standing Order, but must adopt it in the form appended.*

The effect of the Standing Order is that, if the Executive submits its draft Budget to Council before 8 February in any year, it will have a right to ask the Council to reconsider if the Council proposes to depart from the Executive's proposals.

Once the Council has considered the proposals and decided what it wants to do, if it wishes to do anything other than simply to adopt the draft Budget as submitted by the Executive, it will have to notify the Executive of its proposed amendments and give the Executive 5 days to object. The Council will then have to meet again and consider any objections from the Executive, but can then resolve on a simple majority to over-ride the Executive's objections. This does mean that the Council meeting to consider the Budget and to set the precept / set the rate of Council Tax will now have to be brought forward by at least 10 days from the deadline of 1 / 11 March to allow for the possible need to give the Executive 5 days in which to consider any amendments proposed by Council and to convene an additional Council meeting to consider any objections from the Executive.

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In the case of plans, policies and strategies, there is no such annual deadline by which they must be approved, but again the Council will be required to notify the Executive of any proposed amendments to the Executive's proposals, allow them 5 days to decide whether to make any objection to those proposed amendments, and then consider any such objections before finally determining whether to adopt, amend, reject or remit the proposed plan, policy or strategy.

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**7B. Local Authorities Standing Orders
(Amendment) Regulations 2002**

1. In this Part -

"Executive" and "Executive Leader" have the same meaning as in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.
2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.
3. Before the authority -
 - (a) amends the draft plan or strategy;
 - (b) 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
 - (c) adopts (with or without modification) the plan or strategy, it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
 - (a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or
 - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.

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5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when -
 - (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (b) approving, for the purpose of its submission to the 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
 - (c) 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 Executive's reasons for those amendments, any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.

6. Subject to paragraph 10, where, before 8 February in any financial year, the authority's Executive submits to the authority for its consideration in relation to the following financial year -
 - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such a calculation;
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992, and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections

PART 4D

which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
 - (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
 - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.
9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Executive's reasons for those amendments;
 - (c) any disagreement that the Executive has with any of the authority's objections; and
 - (d) the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.
10. Paragraphs 6 to 9 shall not apply in relation to -
 - (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

PART 4D

-
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

PART 4E

Executive Procedure Rules

(see PART 2 / Article 7 – Page 36 above)

(Section deleted – it duplicated the above)

PART 4F

Overview and Scrutiny Procedure Rules

(see PART 2 / Article 6 – Page 27 above)

(Section deleted – it duplicated the above)

PART 4G

STANDING ORDERS **– including Contracts Standing Orders**

(see separate APPENDIX A below)

(Section deleted – it duplicated the Appendix)

PART 4H

OFFICER EMPLOYMENT PROCEDURE RULES

Local Authorities Standing Orders (Amendment) Regulations 2002
The Local Authorities (Standing Orders) Regulations 2001
Local Government Act 2000 (relating to the appointment of Head of Paid Service).

References: Chapters 8 and 9, DETR Guidance

1. **Recruitment and appointment**

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

(b) Seeking support for appointment.

- i) ~~Subject to paragraph (iii),~~ The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) ~~Subject to paragraph (iii),~~ No Councillor will seek support for any person for any appointment with the Council.

2. **Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the Officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;

PART 4H

-
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and.
 - c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment and Dismissal of Staff**

(A) Mandatory provisions to be incorporated in Standing Orders relating to staff

1. In this Part -

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"executive" and "executive Leader" have the same meaning as in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"Proper Officer" means an Officer appointed by the authority for the purposes of the provisions in this Part.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Officer designated under section 4(1) of the 1989 Act (designation and reports of Head of Paid Service) as the head of the authority's paid service or by an Officer nominated by him).

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against -

- (a) the Officer designated as the head of the authority's paid service;
- (b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- (c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy Chief Officer within the meaning of section 2(8) of the 1989 Act; or

PART 4H

- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a Committee, Sub-Committee or Officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an Officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
- (2) Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Executive must be a member of that Committee or sub-Committee.
5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an Officer of the authority, the authority or, where a Committee, sub-Committee or Officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or Officer, as the case may be.
- (2) An offer of an appointment as an Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until -
- (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the Proper Officer has notified every member of the Executive of the authority of -
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the executive to the Proper Officer; and
 - (c) either -

PART 4H

- (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Executive has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the appointor that no objection was received by him within that period from the Executive Leader; or
 - (iii) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an Officer of the authority, the authority or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the authority, that Committee, sub-Committee or other Officer, as the case may be.
- (2) Notice of the dismissal of an Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until -
- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Executive of the authority of -
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the executive Leader on behalf of the executive to the Proper Officer; and
 - (c) either -
 - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor

PART 4H

- any other member of the Executive has any objection to the dismissal;
 - (ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the Executive Leader; or
 - (iii) the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
- 7. Nothing in paragraph 2 shall prevent a person from serving as a member of any Committee or sub-Committee established by the authority to consider an appeal by -
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
 - (ii) Provisions to be incorporated in Standing Orders in respect of disciplinary action
- 1. In paragraph 2, "Chief Finance Officer", "Council Manager", "disciplinary action", "Head of the Authority's Paid Service" and "Monitoring Officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
- 2. No disciplinary action in respect of the Head of the Authority's Paid Service (unless he/she is also a Council Manager of the authority), its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 3, may be taken by the authority, or by a Committee, a Sub-Committee, a joint Committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 3. The action mentioned in paragraph 2 is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on

PART 4H

full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

PART 5

Codes & Protocols

A. Members' Code of Conduct

Attached below at Appendix D.

B. Officers' Code of Conduct

Attached below at Appendix E.

C. Protocol on Member / Officer Relations

Attached below at Appendix F.

D. Planning Code of Practice

Attached below at Appendix G.

E. Licensing Code of Practice

Attached below at Appendix H.

F. Code of Conduct on Gifts and Hospitality

Attached below at Appendix I.

PART 7**MEMBERS' ALLOWANCE SCHEME**
2009/10**Allowances and Mileage Rates**

(figures rounded to nearest £)

SCHEDULE 1 - BASIC ALLOWANCE
PAYABLE TO EACH MEMBER OF THE COUNCIL

BASIC ALLOWANCE	PROPOSED AMOUNT OF ALLOWANCE	ROLE
	£3,316 Total £96,164	Payable to each member of the Council (x 29)

SCHEDULE 2 - POSITIONS DEEMED TO CARRY SPECIAL RESPONSIBILITIES AND THE AMOUNTS PAYABLE

SPECIAL RESP. ALLOWANCE (no of Recipients)	PROPOSED AMOUNT OF ALLOWANCE	ROLE
1	£6,631	Leader of the Council & Chair of Executive Committee (1)
1	£4,641	Deputy Leader of the Council & Vice Chair of Executive Committee (1)
2	£1,030 per minority Group Leader	Minority Group Leader(s) (currently 2)
3	£1,061	Each "ordinary" Executive Committee member (currently 3) (excludes: Chair and Vice-Chair ; and Portfolio Holders.)

6	£1,545	Portfolio Holders (6) (includes Executive Panel Chair role)
6	£1,327	Executive Panel Chairs (currently 6) - if not Portfolio Holders - payable in arrears from first meeting of relevant Panel (All currently Portfolio Holders).
1	£1,989	Chair of Overview & Scrutiny (1) <i>(No payment for Vice-Chair)</i>
8	£1,061	Overview & Scrutiny "Ordinary Members" (7) <i>(same as "ordinary" Exec Member)</i>
1	£3,183	Chair of Planning (1)
1	£1,061	Vice-Chair of Planning (1)
1	£1,327	Chair of Licensing Committee (1)
1	£266	Vice-Chair of Licensing Committee
1	£266	Independent Chair of Standards Committee
2	£103	Independent Members of Standards Committee

SCHEDULE 3 - POSITIONS ON OUTSIDE BODIES

OUTSIDE BODIES PAYMENT (no of recipients)	PROPOSED AMOUNT OF ALLOWANCE	ROLE
(Currently 4)	£266	To be determined annually by the Council.

SCHEDULE 4 - PERSONAL SUPPORT BUDGET

PERSONAL SUPPORT BUDGET (no of recipients)	PROPOSED AMOUNT OF ALLOWANCE	ROLE
29	£300 (plus a share of £5,800 held centrally by Member Services Officer).	Members' Personal Support Budget for Training & Development and / or Equipment support (control maintained by Member Services Officer).

3. **Mileage Allowances**

(Payable at Inland Revenue recommended rate).

STRUCTURES

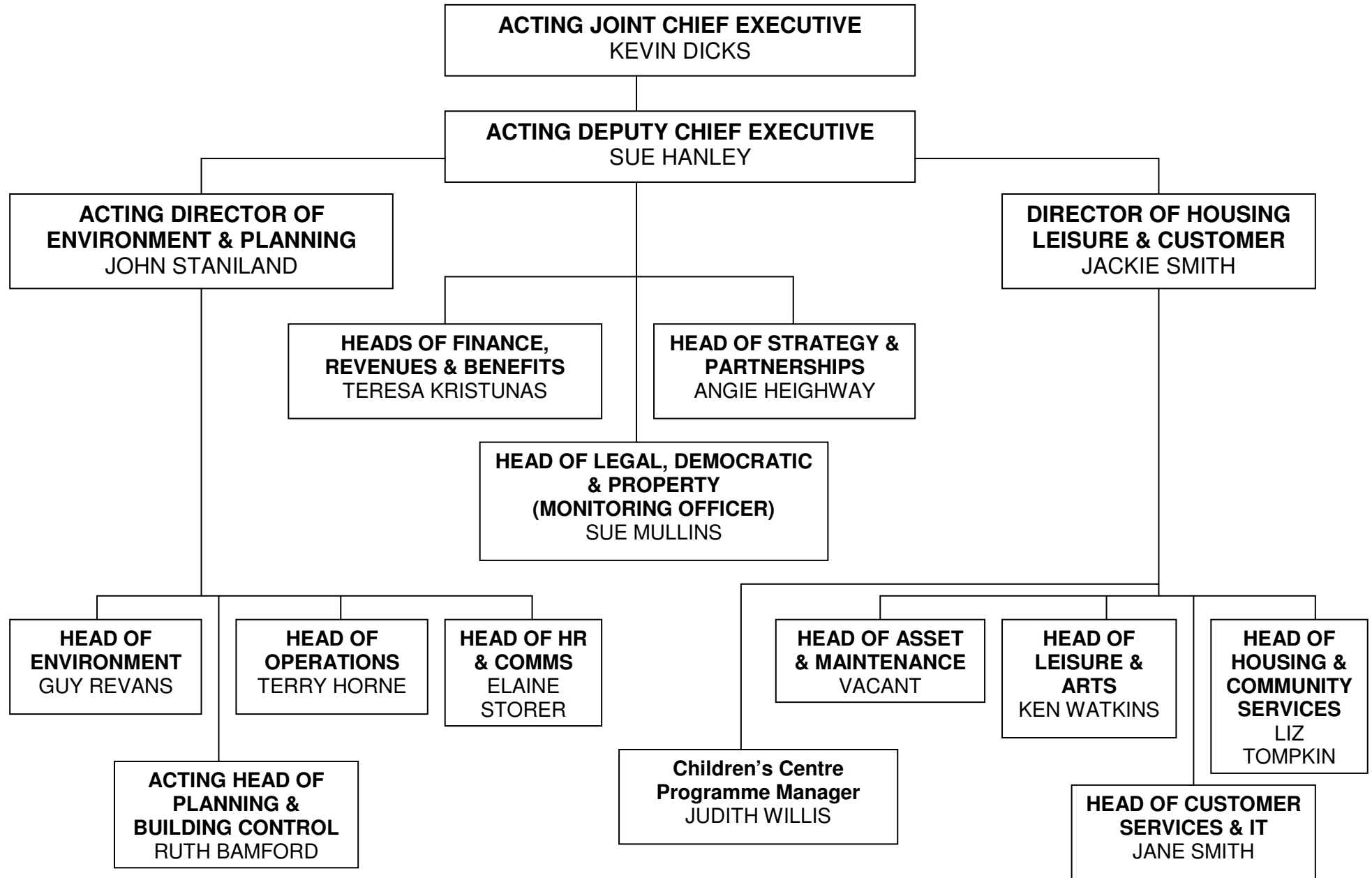
A. Management Structure

(Attached at Appendix J)

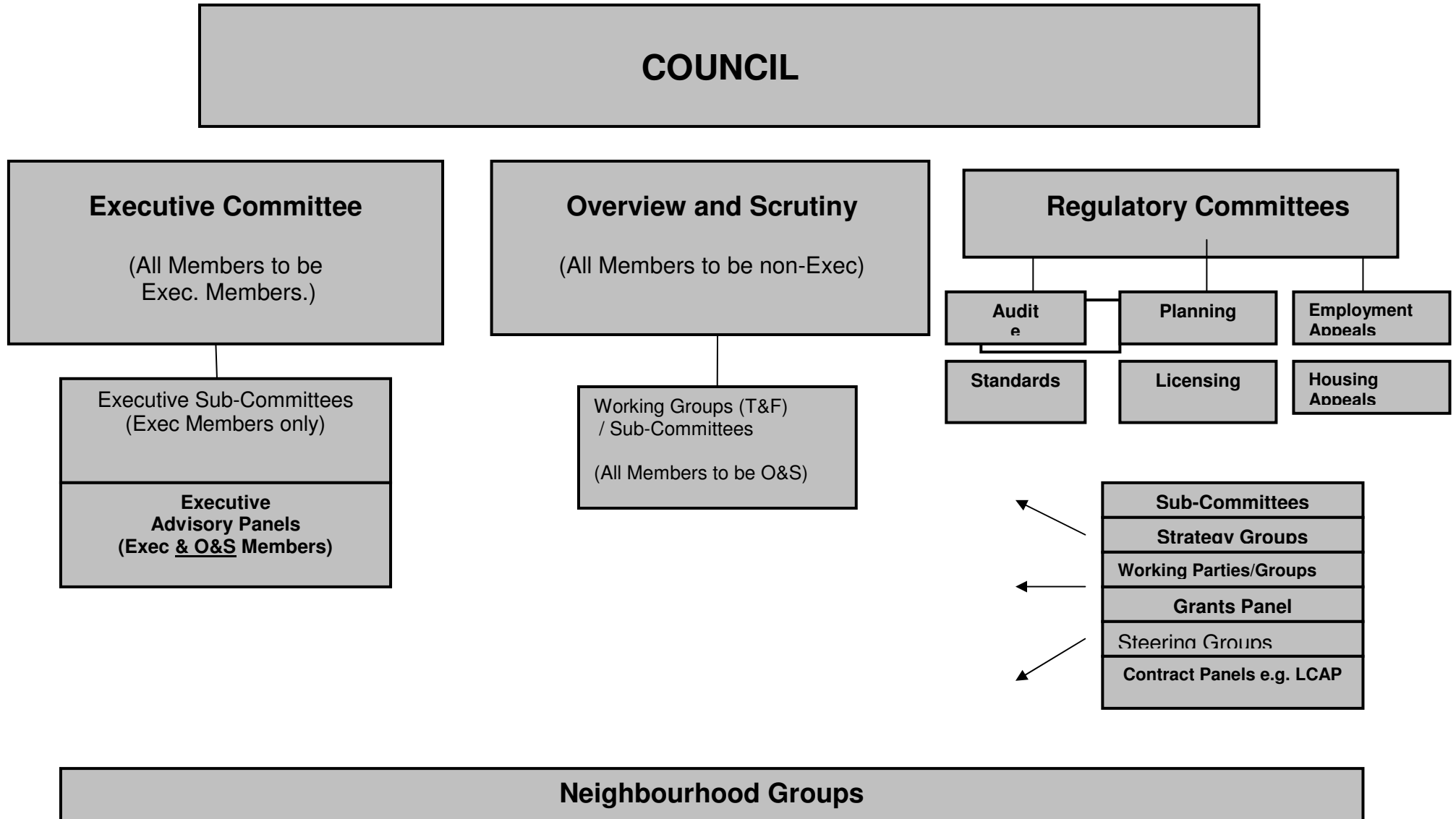
B. Committee Structure

(Attached at Appendix K)

CONSTITUTION APPENDIX K –MANAGEMENT STRUCTURE 2009



CONSTITUTION - APPENDIX L - COMMITTEE STRUCTURE 2009/10





STANDING ORDERS

REVISED JUNE 2009

(In case of any conflict of interpretation between these Standing Orders and the Constitution, the Constitution will take precedence.)

(Please retain for future reference)

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REDDITCH BOROUGH COUNCIL

PART I

STANDING ORDERS

A. STANDING ORDERS DEALING WITH THE PROCEDURE AT MEETINGS OF THE FULL COUNCIL

1. MEETINGS OF THE COUNCIL

The Annual Meeting of the Council and other meetings of the Council shall be held at the Town Hall on such dates and at such times as may be fixed by the Council. In exceptional circumstances the date of a meeting can be changed by the Borough Director, in consultation with the Mayor.

2. ELECTION OF MAYOR AND LEADER / DEPUTY LEADER AND APPOINTMENT OF DEPUTY MAYOR OF COUNCIL

- 1) The Mayor shall be elected and the Deputy Mayor shall be appointed at the Annual Meeting.
- 2)
 - (a) The Council shall elect, from the Members of the Council, a Leader of the Council and a Deputy Leader of the Council, such appointments to be made at the Annual Meeting. The Council may at any time replace the Leader and/or Deputy Leader and elect another Member in their place.
 - (b) In the event of a resignation or vacancy in the Office, the Council shall at its next meeting elect another Member to the vacated Office.
 - (c) Any political party represented on the Council may appoint a Leader and a Deputy Leader of that party from time to time and, on notification of the name of such persons in writing to the Borough Director, such persons shall be so recognised by the Council.

3. PERSON PRESIDING AT MEETINGS OF THE COUNCIL

- 1) Subject as mentioned below, the Mayor shall preside at any meeting of the Council.
- 2) In the absence of the Mayor, the Deputy Mayor shall preside.
- 3) Subject to paragraph 3(5), in the absence of the Mayor and Deputy Mayor, any of the Mayor's powers and duties shall be exercisable by any Member appointed by a meeting to preside at the meeting.

- 4) A Member shall be appointed to preside at a meeting if:
 - a) it is moved by another Member that he/she shall take the Chair, and
 - b) a motion to that effect and any amendments are put to the meeting, voted upon, and he/she is appointed to take the Chair in accordance with Standing Orders 16 and 17 (Voting / Voting on Appointments).
- 5) In the absence of the Mayor and Deputy Mayor, it shall be for the Proper Officer to call for nominations to take the Chair, exercise the powers of the person presiding to regulate any discussion that arises and maintain order at the meeting until a Member shall be appointed to take the Chair.
- 6) Hereafter, for the purposes of these Standing Orders, a reference to the Mayor shall be deemed to be a reference to the Mayor or, in his/her absence, the Deputy Mayor or, in both their absence, the person appointed to preside at the meeting in accordance with this Standing Order.

4. QUORUM

- 1) If, during any meeting of the Council, the Mayor, after counting the number of Members present, declares that there is not a quorum, the meeting shall be adjourned for fifteen minutes. (The quorum shall be at least one quarter of the whole number of Members of the Council unless more than one third of the Members become disqualified, when different rules apply (Local Government Act 1972, Schedule 12, Part VI, Paragraph 45).)
- 2) If after fifteen minutes the Mayor, after having caused the number of Members present to be counted again, declares that there is still no quorum, the meeting shall end.
- 3) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if a time is not fixed, to the next ordinary meeting of the Council.
- 4) If, at the time fixed for commencement of a meeting of a Committee or Sub-Committee, neither the Chair or Vice-Chair are present, the commencement of the meeting shall be put back for a period of up to 15 minutes after which time the meeting shall proceed to elect an interim Chair pending the arrival of the duly appointed Chair or Vice-Chair. On arrival of the Chair or Vice-Chair he/she shall assume the Chair for the remainder of the meeting.

5. ORDER OF BUSINESS

1. Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
 - A. Procedural / Statutory matters:
 - (a) To choose a person to preside if the Mayor and Deputy Mayor are absent.

- (b) To record Declarations of Interest. Members should clearly state the nature of their interest(s) and whether or not they are prejudicial.
- (c) To deal with any business required by statute to be done before any other business.
- (d) To approve as a correct record and sign the Minutes of the last meeting of the Council. (Where, in relation to a meeting of the Council, the next meeting called is an extraordinary meeting, the minutes of the Council may be confirmed at the next following ordinary meeting.)
- (e) To deal with any business expressly required by statute.

B. Items likely to be of significant Public Interest

- (f) To deal with items most likely to be of public interest including, if relevant, early consideration of Executive Recommendations which would otherwise be considered later on the agenda under C below.
- (g) Communications and Mayor's announcements.
- (h) To answer Questions asked by Council Members, and/or Members of the Public under Standing Order 8.
- (i) To consider Notices of Motion in the order in which they have been received.
- (j) To receive and consider Petitions and/or Deputations in accordance with Standing Orders 49, 50 and 51.

C. Matters likely to be of less significant interest to the public

- (k) Where a meeting has been called to consider a financial report from the Borough Director under Section 114 of the Local Government Finance Act 1988 or a report of the Monitoring Officer under Section 5 of the 1989 Act, to consider the business for which the meeting has been summoned.
- (l) To receive and consider recommendations of Committees, and other reports or minutes of Committees.
- (m) To deal with any Urgent Business arising under Section 100(B)(4)(b) of the Local Government Act 1972 and to pass any resolutions as may be deemed necessary.
- (n) To authorise the sealing of documents.
- (o) Other business, if any, specified in the summons.

Variation of Order of Business.

- 2) Business falling under items 1 A (a), (b), (c), (d) or (e) above, shall not be displaced, but with this exception the above order of business may be varied:
 - (a) at the Mayor's discretion;
 - (b) by a resolution passed on a Motion (which need not be in writing) duly moved and seconded, which shall be voted on without discussion;
 - (c) if the Mayor decides that an item of business not included in the agenda may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraphs (a) and (b) above, be taken at the end of the other items of business.

6. NOTICES OF MOTION

Scope of motions.

- 1) Every Motion shall be relevant to the Council's Policy Framework Plans and/or the Budget Framework or some matter in relation to which the Council has powers or duties or which affect the Borough, or some or all of its residents.
- 2) Except as provided by Standing Order 7, every Notice of Motion shall be in writing, signed by the Members who move and second the Motion and delivered at least 9 clear working days before the next meeting of the Council to the Borough Director.

For the purpose of avoiding potential conflict of interest, no Motions under Standing Order 6 are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering a Motion), or meetings which fall within a formal Election period.

- 3) The Borough Director shall keep available for inspection for all Members a register or book of such Notices of Motions which shall record the date and order in which they were received. The Borough Director shall also provide the Mayor with copies of all such motions and shall have the power, after receiving appropriate advice from the Monitoring Officer, to:-
 - (a) seek appropriate amendments from the proposer of the Motion, so as to ensure that the same fully complies with and legal and/or constitutional aspects; and

- (b) in the event that the proposer of the Motion is unable to agree any appropriate amendments, to ensure full compliance with and legal and/or constitutional aspects, disallow the same and in such event, the proposed Motion will not appear on the summons for the Council meeting.

Motions to be set out in Summons.

- 2) The Borough Director shall set out in the Summons for every meeting of the Council all Motions of which notice has been given in the order in which they have been received stating the name of mover and seconder, unless the Member giving such a notice intimated in writing, when giving it, that it was proposed to move it at some later meeting, or has since withdrawn it in writing.

Motion not moved.

- 3) If a motion set out in the summons is not moved by or on behalf of a Member who proposed and seconded it, it shall, unless postponed by consent of the Council, be read as withdrawn, and not be moved without fresh notice.
- 4) If, at any time during the debate on any motion before the Council it appears to the Mayor that the motion (in its original, modified or amended form) would, if carried:-
- (a) have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council; or
 - (b) involve capital expenditure not provided for in the Council's approved capital budget; or
 - (c) involve aspects that have not been considered in any detail by the Executive,

the Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.

- 5) For the avoidance of doubt, no motion or amendment will be permitted by the Mayor to be moved or seconded if the effect of the same, if carried, would be to limit the statutory powers and responsibilities of the Executive, Overview and Scrutiny or Regulatory Committees.

7. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following Motions and amendments may be moved without notice:-

- 1) To appoint a Chair of the meeting at which the Motion is made in the absence of the Mayor or Deputy Mayor.
- 2) Motions relating to the accuracy of the Minutes.
- 3) To vary the order of business in accordance with Standing Order 5(2).
- 4) To remit any item of business to the Executive or to a Committee
- 5) To appoint a Committee or its Members, arising out of an item mentioned in the Summons to the meeting.
- 6) To adopt reports and recommendations of Committees or Officers and any consequent resolutions.
- 7) That leave be given to withdraw a motion.
- 8) To extend the time limit for speeches.
- 9) To amend motions.
- 10) That the Council proceed to the next business.
- 11) That the question be now put.
- 12) That the debate be now adjourned.
- 13) That the Council now adjourn.
- 14) To authorise the sealing of documents.
- 15) To suspend Standing Orders in accordance with Standing Order XXX.
- 16) To exclude the public under Section 100(A)(4) of the Local Government Act 1972
- 17) That a Member named under Standing Order 13 be not further heard or do leave the meeting.
- 18) That a Member be invited to remain under Standing Order 19.
- 19) That the consent of the Council be given where the consent of the Council is required by these Standing Orders.

8. QUESTIONS

A. Leader's Question Time

Every Council agenda shall include a standard item to permit the submission of questions to the Council Leader from members of the public, or Members of the Council, without further qualification.

For the purpose of avoiding potential conflict of interest, no Leader's Questions under Standing Order 8 are permitted for any of the "exceptional" meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council, or meetings which fall within a formal Election period.

- 1) Questioners may, if 9 clear working days' notice in writing has been given to the Borough Director, ask the Leader of the Council any question on any matter in relation to which the Council has powers or duties or which affects the Borough.
- 2) A list of all qualifying questions received by the deadline shall be published in the agenda for the meeting. The Leader will normally take the questions in the order received, but shall have the discretion, prompted by his judgement of the likely public interest, to vary the order of the questions.
- 3) The proposer of a question shall be requested to attend the Council meeting at which the question will be addressed.
- 4) The Leader may choose not to respond to repeated questions or to any he considers frivolous or, in his judgement, unacceptable for any reason (and he shall provide the reason).
- 5) Written responses shall be provided to any questions which remain unanswered at the meeting (in which case a copy of the response will be circulated to all Members of the Council for their information).
- 6) Every Question shall be put and answered without interruption.
- 7) An answer may take the form of:-
 - (a) a direct oral answer, or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication, or
 - (c) where the reply to the question cannot conveniently be given at the meeting, a written answer will be provided (and a copy circulated to all Members of the Council for their information).

Time limits for questions

- 8) A maximum of 15 minutes will be permitted for the posing and response to questions.

A maximum of 5 minutes will be allowed for each individual question and response. Any extension or variation of time limits will be entirely at the Mayor's discretion. Supplementary Questions are not permitted.

B. Questions relating to Reports or Minutes of Committee:

Separately from A. above, a Member of the Council may, without prior notice, ask the Leader of the Council, Portfolio Holder, or Chair of a Committee, any question upon a report or minutes of a Committee when that item is under consideration by the Council. However, Questions should be directly relevant to the business the subject of report, and not intended to raise new matters for discussion. They should be directed to the Member who presided at the meeting in question.

C. Questions relating to powers or duties:

- 1) A member of the Council may:-

- (a) if 9 clear working days' notice in writing has been given to the Borough Director, ask the Mayor, a Portfolio Holder, or the Chair of any Committee any question on any matter in relation to which the Council has powers or duties or which affects the Borough, save that questions asked under A. above may not be repeated here;

The restrictions detailed at A above as to suspension of Questions at "extraordinary" Council meetings, etc. shall also apply in this case.

- (b) without notice, but with the permission of the person chairing the Council, or Executive Committee meeting, ask a Member any Question relating to any decision taken as Urgent Business under Standing Order 36; but a copy of any such Question shall, if possible, be delivered to the Borough Director at his/her office not later than 10 a.m. on the day of the meeting.

- 2) Every Question shall be put and answered without discussion.

- 3) An answer may take the form of:-

- (a) a direct oral answer, or
(b) where the desired information is contained in a publication of the Council, a reference to that publication, or

- (c) where the reply to the question cannot conveniently be given at the meeting, a written answer will be circulated to all Members of the Council.

Time limits for questions

- 4) A maximum of 15 minutes will be permitted for the posing, response to, and subsequent further questions from Members.

A further maximum period of 15 Minutes will be extended to members of the Public who wish to ask questions, subject to the same further time limits as detailed above.

Any extension or variation of time limits will be entirely at the Mayor's discretion.

9. MINUTES

- 1) The Mayor shall move the motion that the Minutes of the meeting of the Council held on the(day) of(month) be approved as a correct record.
- 2) No discussion shall take place upon the minutes of meetings of the full Council, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been dealt with, the Mayor shall sign the minutes.
- 3) The Mayor, or relevant Chair, shall move the motion that the minutes of the meeting of the Committee be received and any recommendations contained within them be adopted.
- 4) Subject to any further matters being raised upon the minutes under consideration, the Council shall:
 - a) make such further resolutions as it sees fit on matters which fall within its powers;
 - b) make such further recommendations as it sees fit back to the Executive, or other, Committee on matters which fall within the powers of such Committee;
 - c) defer specified items of exempt business for later consideration after the Exclusion of the public.

10. RULES OF DEBATE FOR COUNCIL AND COMMITTEE MEETINGS

These rules shall also apply, subject to the Chair's discretion in their application, to Committee meetings.

Motions and Amendments.

- 1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 6, it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.
- 2) A Member shall raise his/her hand when wishing to speak and, when speaking, address the Mayor. If two or more Members wish to speak, the Mayor shall call on one to speak; the other or others shall then wait for their turn as indicated to them by the Mayor. While a Member is speaking, the other Members shall remain silent, unless raising their hand to indicate a point of order or offering a personal explanation.

Content and length of speeches.

- 3) Members shall direct their speeches to the question under discussion or to a personal explanation or to a point of order.

No speech in relation to the mover of a motion shall exceed five minutes or, in relation to the prime speaker per political Group (such prime speaker to be designated by the Leader of the relevant Group), exceed four minutes, or in relation to any other Member, exceed two minutes unless the Mayor rules that it may continue.

When a Member may speak again.

- 4) A Member who has spoken on any motion, or an amendment to a motion, shall not speak again whilst it is the subject of debate, except:-
 - (a) if the motion has been amended since the Member last spoke, to move and/or speak on a further amendment;
 - (b) in exercise of a right of reply given by paragraph (10) or (12) of this Standing Order;
 - (c) on a point of order;
 - (d) by way of personal explanation.

Amendments to Motions.

- 5) Any amendment shall be relevant to the motion and shall be accepted (at the discretion of the Mayor) as long as it is not a direct negative to the motion.
- 6) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with. The motion and any amendment are then before the meeting for debate at the same time.
- 7)
 - (a) At the conclusion of the debate the mover of the motion can reply to the debate. The mover in so doing shall not introduce any extra matter that has not been part of the debate.
 - (b) The amendment is then put to the vote.
 - (c) If an amendment is lost, the original motion is then put to the vote without further debate, unless notice has been given of further amendments, in which case the process recommences from 6) above.
 - (d) If an amendment is carried, the original motion is deemed to have been lost and the amendment becomes the substantive motion.
 - (e) The motion can only be challenged further at this point if a Member during the initial debate and before any vote is taken has given notice of moving a further amendment, in which case the further amendment is required to be moved and seconded.
 - (f) If the further amendment is moved and seconded the motion and further amendment are then before the meeting for debate at the same time and the process thereafter is as contained in paragraphs (a) to (e) above.

Alteration to motion.

- 8) A Member may, with the consent of the Council and without discussion:-
 - (a) propose the alteration of a motion of which notice has been given, or
 - (b) with the further consent of the seconder, alter a motion which has been moved if (in either case) the alteration is one which could be made as an amendment.

Withdrawal of motion.

- 9) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

Right of Reply.

- 10) The mover of a prime motion has a right of reply which shall not exceed 5 minutes (to sum up, but not introduce any extra matter not part of the debate) at the close of the debate on the motion immediately before it is put to vote. The mover of an amendment shall have no right of reply to the debate on the amendment.

Procedural Motions which may be moved during debate.

- 11) When a motion is under debate no other motion shall be moved except the following procedural motions which the Chair will put to the meeting immediately without debate (if moved and seconded):-
- (a) to amend or postpone consideration of the motion;
 - (b) to adjourn the meeting to another date;
 - (c) to adjourn the debate for a period of time after which the debate and meeting shall resume;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard (= not allowed to speak again) on the item under debate;
 - (g) by the Mayor under Standing Order 13(2) that a Member leave the meeting;
 - (h) a motion under Section 100 (A)(4) of the Local Government Act 1972 to exclude the public;
 - (i) to re-admit the public;
 - (j) to suspend Standing Orders;
 - (k) that the consent of the Council be given where the consent of the Council is required by these Standing Orders (e.g. to extend time limits, to withdraw motions, etc.)

(In relation to (h), (i) and (i) above, the purpose of such proposal must be clearly indicated, and advice given by the Borough Director and/or Monitoring Officer, before a vote is taken on such a motion).

Closure motions.

- 12) A Member may move without comment at the conclusion of a speech of another Member "That the Council proceed to the next business", "that the question be now put", "that the debate be now adjourned" or "that the Council now adjourn", on the seconding of which the Mayor shall proceed as follows:-

- (a) on a motion to proceed to next business: unless it is considered by the Mayor that the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion to proceed to next business and, if it is passed, then give the mover of the original motion the right of reply under paragraph (10) of this Standing Order before putting the original motion to the vote;
- (b) on a motion that the question be now put: unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion that the question be now put and, if it is passed, then give the mover of the original motion the right of reply under paragraph (10) of this Standing Order before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if, in the Mayor's opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of order / Personal Explanation.

- 13) A Member may raise his/her hand on a point of order or personal explanation and shall be entitled to be heard immediately at the Mayor's discretion.

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall give an indication of the Standing Order or statutory provision and the way in which he/she considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by that person which may appear to have been misunderstood in the present debate and shall last for no more than two minutes.

- 14) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair.

- 15) Whenever the Mayor speaks during a debate, a Member then speaking, and the other members of the Council, shall be silent.

11. MOTIONS AFFECTING PERSONS WHERE FREEDOM OF INFORMATION CONSIDERATIONS OR EXEMPT INFORMATION APPLY

If any question arises at a meeting of the Council (or of a Committee to which the Local Government Act 1972 applies by virtue of Section 100A and Schedule 12A "Exempt Information") such question shall not be the subject of discussion until the Council or Committee has decided whether or not the power of exclusion of the public, or Freedom of Information exemptions, shall be applied.

12. MOTION ON EXPENDITURE

Any motion which would, if carried, have the effect of increasing expenditure on any service, reducing revenue or involving capital expenditure shall be subject to the provisions contained in Standing Order 41.

13. DISORDERLY CONDUCT

- 1) If at a meeting any Member of the Council, in the opinion of the Mayor, is guilty of misconduct by disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move “that the Member named be not further heard” and the motion, if seconded, shall be put and determined without discussion. This resolution shall, subject to any further misconduct by the Member in question, have effect for the duration of the item under debate.

Continuing misconduct by a named Member.

- 2) If the Member named continues this misconduct after a motion under the paragraph above has been carried, the Mayor may:-

EITHER move “that the Member named leave the meeting” (in which case the motion shall be put and voted upon without seconding or discussion);

OR adjourn the meeting of the Council for such period as the Mayor considers necessary to resolve the situation.

General Disturbance.

- 3) In the event of general disturbance which, in the opinion of the Mayor, renders the continued dealing with the Council Meeting’s business impossible, the Mayor, in addition to any other power vested in him/her, may, without the question being put, adjourn the meeting of the Council for such period as the Mayor considers appropriate.

14. DISTURBANCE BY MEMBERS OF THE PUBLIC

If a member of the public interrupts the proceedings at any meeting, the Mayor shall give a warning. If that person continues the interruption, the Mayor shall order the individual’s removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public, the Mayor shall order the Public to leave the room and shall adjourn the meeting until the general disturbance has ended, after which time the Mayor shall reconvene the meeting.

15. CHANGES TO PRECEDING RESOLUTION

- (a) This Standing Order shall apply to any motion which has been expressly approved or any motion or amendment expressly, or by implication, rejected by a resolution passed within the preceding 6 months.

- (b) Subject to (c) and (d) below, no motion which has the effect of changing or altering any such resolution referred to in (a) above, and no motion or amendment which has the same effect as any motion or amendment which was expressly or by implication previously rejected by such resolution referred to in (a) above, shall be moved unless notice is given under Standing Order 6 which bears the names of at least 6 Members of the Council.
- (c) The provisions of (b) do not apply in relation to any motion or amendment having any of the effects referred to moved in relation to a report considered by a Committee or to the recommendation of a Committee.
- (d) The provisions of (b) do not apply to procedural motions.

16. VOTING

Voting at meetings of the Council shall, unless otherwise required by law, be determined by a show of hands and/or by the use of vote recording apparatus. However, on the request of any Member of the Council made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each Member present and voting gave their vote. The name of any Member present but not voting shall also be recorded.

Immediately after a vote is taken at a meeting, if any Member requires, it shall be recorded in the Minutes of that meeting whether that Member cast his/her vote for or against the question or whether he/she abstained from voting.

17. VOTING ON APPOINTMENTS

Where more than two persons are nominated for any appointment to be filled by a Member of the Council and, at the vote*, no person has a majority of votes, the person having the least number of votes shall be eliminated. Then there shall be a further vote and, after such further vote, the person with the majority of votes shall be appointed. But if no person gains a majority of votes, the process shall be repeated until a majority is achieved.

18. RECORDS OF ATTENDANCE

The name of every Member of the Council attending a meeting of the Council, or of any of its Committees, Sub-Committees, Panels, etc. shall be recorded and be available for inspection by the public.

STANDING ORDERS RELATING TO MEMBER AND OFFICER INTERESTS AND CONDUCT

19. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- (a) If any member of the Council has any personal and prejudicial interest within the meaning of Section 81 of the Local Government Act 2000 in any contract, proposed contract, or other matter, that Member must, subject to the terms of the new Code of Conduct (adopted with effect from 3rd May 2007) declare the fact and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council unless:-
- (i) dispensation to participate in consideration of the matter has been granted by the Council's Standards Committee; or
 - (ii) the contract, proposed contract, or other matter is under consideration by the Council as part of the submission of minutes of a Committee and is not itself the subject of debate.
- (b) Any Member who has a personal interest, as defined in the Members' Code of Conduct, in any matter shall, as soon as they acknowledge the fact, disclose that interest but may remain, speak and vote unless the interest is prejudicial in which case, subject to the terms of the new Code of Conduct (adopted with effect from 3rd May 2007), the Member must leave the room.

Involvement in the affairs of another public body or voluntary association etc., by a Member who has been appointed purely as a representative of the Council shall not (in the absence of any other relevant considerations) be construed as a prejudicial interest. In that situation the Councillor should disclose the interest but may remain and participate fully in the meeting.

20. INTEREST OF OFFICERS IN CONTRACTS

- 1) If any Council employee becomes aware that he/she has a disclosable interest in any contract which has been or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the Council or any Committee or Sub-Committee, and which (in either case) is not:
- (a) their contract of employment;
 - (b) their tenancy of a dwelling provided by the authority; or
 - (c) a contract of which he/she would have to give notice under Section 117 of the Local Government Act 1972, or successor statutory provision,

he/she shall, as soon as practicable, declare an interest in writing to the Proper Officer.

- 2) For the purposes of this Standing Order, a disclosable interest is an interest that, if the employee were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she were present, he/she would have to disclose, under the relevant statutory provisions.
- 3) The Borough Director shall keep a record of any notice given by an Officer of the Council of a personal and prejudicial interest in a contract, and the book shall be open during office hour for inspection by Members.
- 4) Where an Officer submits a report to a meeting on a matter in which he/she has declared any such interest or paragraph (1), he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- 5) Where any Officer orally advises a meeting of the Council, a Committee or a Sub-Committee on a contract, grant, proposed contract or other matter and has declared a personal and prejudicial interest in that matter, he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

21. REGISTER OF INTERESTS

Following election to the Council, and within one month of accepting office, Members must give notice to the Proper Officer detailing any general interests; such notice will remain in force for as long as he/she continues to be a Member or until the Member revises the information and a record of Members' interests shall be kept in a book for that purpose by the Borough Director. Members must update the register within one month of any changes to their personal details.

22. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 1) Canvassing of members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. Details of this paragraph of the Standing Order must be included in every advertisement inviting applications for appointments or in any form of application.
- 2) A member of the Council shall not canvass for any persons on any appointment under the Council, but this shall not preclude a Member from giving a reference of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

23. RELATIVES OF MEMBERS OR OFFICERS

- 1) A candidate for any appointment under the Council who knows that he/she is related to any Member or Officer of the Council must declare that relationship when applying. A candidate who fails to disclose such a relationship shall be disqualified from the appointment and, if appointed, shall be liable to dismissal without notice.

Every Member and Officer of the Council shall disclose any relationship known to exist between that person and any person known to be a candidate for an appointment under the Council.

- 2) Details of this Standing Order shall be included either in every advertisement inviting applications for appointments or in any form of application.
- 3) For the purpose of this Standing Order persons shall be considered to be related if they are husband and wife or common law partners, if either of them, or the spouse of either of them, is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

24. EMPLOYMENT MATTERS

Filling of Vacancies

- 1) All Council employment vacancies shall be advertised in accordance with the Council's recruitment and selection policy, except where allowed for in the Change Management Strategy current at the time.

However, where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, one of the former applicants may be appointed.

- 2) When a vacancy arises in the position of Borough Director, the Council shall decide whether the post is necessary and, if so, what the terms and conditions of the post shall be and no steps shall be taken to fill the post until these decisions have been taken.

In the cases of Directors on the Corporate Management Team, the Borough Director shall first consult with the Leader of the Council before proceeding to deal with any vacancy.

In all other instances the relevant Director shall decide whether a post is necessary.

- 3) Disciplinary Action

- (a) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1993) in respect of the Head of the Authority's paid service, except action described in paragraph (b) may be taken by an authority, or by a Committee, Sub-Committee, relevant Joint Committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 3 of those Regulations.

- (b) The action mentioned in paragraph (a) is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action: and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

**STANDING ORDERS RELATING TO THE COUNCIL'S SEAL AND
INSPECTION OF DOCUMENTS AND LAND / PREMISES**

25. SEALING OF DOCUMENTS

- A) (i) The Council as a corporate body executes documents by sealing them with its seal. The seal is known as "the Common Seal of the Council" and is kept in accordance with Standing Order 26. To seal a document, Officers attach a red seal to the appropriate part of the document and an impression of the Council's coat of arms is made on it with the sealing instrument. This action is then witnessed (or attested) by one of the individuals named in B who has to sign his/her name and indicate his/her capacity under the seal
- (ii) Save as mentioned in (iii), no document shall be sealed on the Council's behalf unless it is authorised by a resolution of the Council or of a Committee to which the Council has delegated power to do so.
- (iii) A resolution of the Council (or a Committee which has delegated power) which authorises the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate, contract or other legal document, or the doing of any other thing, and it is necessary to seal one or more documents to give effect to the resolution, will be deemed to include authorisation by resolution to seal the document or documents.
- B) The seal shall be witnessed by at least one of the following persons present at the sealing, namely, the Mayor or Deputy Mayor of the Council, the Borough Director or the Head of Legal Services, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has witnessed the seal.

26. CUSTODY OF SEAL

The Common Seal of the Council (the Council's sealing instrument) shall be kept by the Head of Legal Services under lock and key.

27. SIGNATURE OF DOCUMENTS

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by or on behalf of the Borough Director, or Head of Legal Services, unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings. Either the Borough Director or the Head of Legal Services shall sign contracts on behalf of the Council.

28. RIGHTS OF MEMBERS TO INSPECT DOCUMENTS

(To be updated in respect of new Freedom of Information requirements.)

- A. Members of the Council may, in connection with their duties, inspect documents in the circumstances set out (but subject to the qualifications described) below:

1. Under Section 100F of the Local Government Act 1972 (Access to Information – except where it appears to the Proper Officer that certain categories of exempt information will be disclosed).
2. Under the Common Law, subject to qualification, a right to inspect documents addressed to the Council relating to Council business which they need to know, and a committee member has, subject to qualifications, a right to inspect documents relating to the business of that Committee.
3. Reports made or minutes kept by Council and Committee shall, as soon as Council or Committee have concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Council during office hours.

Copies of documents, if available, may be obtained through application to the Borough Director.

B. However,

1. Members shall not knowingly inspect or call for a copy of any document relating to a matter in which they are professionally interested or in which they have directly or indirectly any personal and prejudicial interest.
2. The Borough Director or the Head of Legal Services may decline to allow inspection of any document which is or may be the subject of legal proceedings and which would be protected by privilege arising from the relationship of Solicitor and client.

29. INSPECTION OF LANDS, PREMISES, ETC.

No Member of the Council and no other Member (whether voting or non-voting) of a Committee or Sub-Committee shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which Members of the Council do not regularly have access except with the permission of the Director responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or which might be, purchased by the authority.

STANDING ORDERS RELATING TO THE COUNCIL'S COMMITTEES

**30. APPOINTMENT OF COMMITTEES AND
SUBSTITUTE MEMBERS AT MEETINGS**

The Council shall, at its Annual Meeting, appoint such Committees, etc. as it is required to appoint by or under any statute or under Standing Order 32 (Standing Committees), and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory or Constitutional provision on that behalf:-

- (a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
- (b) may at any time dissolve a Committee or alter its membership;
- (c) shall, with the exception of quasi-judicial meetings such as Appeals Committees, Regulatory Committee, Planning Committee, etc., and subject to the discretion of the Chair, permit Members to attend and speak at committees, sub-committees and other meetings of which they are not members but without the right to vote;
- (d) shall, except in respect of those Committees where specific named substitutes have been appointed, and subject to Constitutional requirements in terms of the Executive Committee and the Overview & Scrutiny Committee, permit any member of a Committee or Sub-Committee to nominate any other Councillor to attend any particular meeting as a substitute.

Such Councillor shall be deemed to be a member of the Committee in place of the nominating Member for the duration of that meeting provided the names of both the Member and the Substitute are communicated to the Borough Director in writing by either the Member or the Substitute prior to the meeting in question. In the cases where named substitutes have been appointed, those substitutes may attend and speak at such meetings but may vote only when acting as a substitute for a principal Member.

However, it should be noted in the cases of quasi judicial meetings that, if a meeting is adjourned to a later date, no other persons than those present at the original meeting may be present at the subsequent one and Members not present for the whole of any meeting may not in any event take part in the decision making process.

The above substitution rights shall not automatically apply in respect of less formal meetings: Working Parties, Advisory Panels, O&S Task and Finish Groups, etc.

- (v) will, subject to statutory and Constitutional requirements in respect of the Executive Committee, allocate seats to be occupied by members of the Council proportional to the memberships of political groups into which the Council is divided in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990.

31. PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES

In accordance with Standing Order 10, the Chair shall regulate and control the proceedings of a meeting.

In accordance with the Local Government Act 1972 as amended, all agendas, reports and other documents relating to meetings which are open to the public shall be treated as public unless they would disclose confidential or exempt information. Where the whole or part of a report for a meeting is not open for inspection by the public, each copy of the report or of the part shall be marked "Not for Publication" and shall state the description, in terms of Schedule 12A to the Act, of the exempt information by virtue of which the Council will exclude the public from the meeting.

The proceedings of such meetings shall remain open to the public until the public are excluded from the meeting by formal resolution.

Other than in accordance with the requirements of the Code of Conduct, a Member shall never make any public disclosure of a matter dealt with by a Committee which that Committee has expressly resolved to treat as "exempt" / confidential.

32. CONSTITUTION OF, AND MEETINGS OF, COMMITTEES

Having due regard to the relevant statutory and Constitutional requirements,

- 1) The Council shall, appoint, at its Annual Meeting such Committees, etc. and their memberships, as it considers necessary for the proper conduct of its business;
- 2) Such matters as the Council shall from time to time specify, shall be delegated to the Executive Committee and the Council's Regulatory Committees for consideration, as appropriate.
- 3) Officers must, so far as is practical, submit reports to Members at least five clear working days before each meeting and must seek the Chair's approval of any circulation of reports at shorter notice. Officers must not forward reports to the press and public earlier than to Members.
- 4) A timetable of meetings shall be determined annually by the Council. Additional meetings of Committees or Sub-Committees may be approved by the Committee or Sub-Committee concerned as required.

In exceptional circumstances the date of any meeting can be changed, or the meeting cancelled, by the Borough Director, or his nominee(s), in consultation with the appropriate Chair, and, where practicable, the Opposition Spokesperson(s).

- 5) Public speaking shall be permitted at meetings of the Council, Executive Committee and O&S Committees, Planning Committee on applications and in quasi judicial meetings, such as those of the Licensing Sub-Committee or Appeals Panels, in accordance with the various procedures currently approved by the Council, as appropriate to each meeting.

33. REPORTS OF PROCEEDINGS OF COMMITTEES (MINUTES)

- 1) Reports of proceedings of Committees shall be reproduced and a copy issued to each Member with the Summons for the meeting of the Council at which they are to be submitted, However, in the case of urgency, they may be reported upon orally at the meeting of the Council provided that due notice of the business is included in the Summons.
- 2)
 - (a) Minutes comprising matters not the subject of powers delegated to the Committee and which require approval by the Council, shall be known as "Recommended items".
 - (b) Minutes comprising matters which are the subject of powers delegated to the Committee and which do not require any approval by the Council, shall be known as "Resolved items".
- 3) Matters which are not within the delegated powers of the Committee shall be included as "Recommended items" .

34. SUBMISSION OF REPORTS / MINUTES

- 1) Subject to the terms of Standing Order 5 reports of proceedings of Committees shall be submitted in the order in which they appear on the Council Summons.
- 2) The motion for adoption of the Minutes shall be moved by the Chair, Vice-Chair or other Member having charge of that Committee (or, in the absence of all of these, another Committee member).
- 3) Members shall be entitled to discuss or to address questions to the Chair (or other Member having charge of a Committee) or comment upon matters appearing as "Resolved items" , but no motion or amendment may be moved in regard thereto.

However, any Member may ask the Chair whether he/she would be prepared to take back for reconsideration by the Committee the matter and the decision of the Chair of the Committee will be final unless the Council by a simple majority determines otherwise.

4) Taking Back for Reconsideration

The only exception to (3) above shall be that any Member may ask the Chair whether he/she would be prepared to take back a resolved item for reconsideration by the Committee.

The decision of the Chair of the Committee shall be final, unless the Council by a simple majority determines otherwise.

5) Third-Party Rights

Where the Council or a Committee Chair agrees to take a resolved matter back for reconsideration, due consideration must be given to any third-party rights, or other limitations specific to the decision in question, which may have accrued as a result of action already having been taken upon the resolution concerned.

35. ELECTION OF CHAIRS OF COMMITTEES

- 1) Unless dealt with earlier at the Council's Annual Meeting, every Committee and Sub-Committee etc. shall, at its first meeting, before proceeding to any other business, elect a Chair for the municipal year, and may at any time elect a Vice-Chair. In the absence from a meeting of the Chair (and Vice-Chair, if elected) a Chair for the meeting shall be appointed from among the voting Members present.
- 2) If it is necessary for the Committee or Sub-Committee to appoint a person to preside, the Proper Officer or representative shall call for nominations.
- 3) The Proper Officer, or his/her representative, will take the Chair at any meeting to chair any discussion that arises and maintain order at the meeting until a Member is appointed to take the Chair.
- 4) The motion, and any amendment, shall be put to the meeting in accordance with Standing Orders 16 and 17 (Voting / Voting on Appointments).

36. SPECIAL MEETINGS OF COMMITTEES AND URGENT BUSINESS

- 1) The Chair of a Committee or the Mayor may call a special meeting of the Committee at any time. A special meeting shall also be called by a formal written request signed by a quarter of the whole number of the Committee delivered to the Borough Director, but in no case shall less than three Members request a special meeting.

The Chair of a Sub-Committee may, in consultation with the Chair of the parent Committee, call a special meeting of a Sub-Committee at any time. The Agenda of the special meeting shall set out the business to be considered and no business other than that set out in the Agenda shall be considered at that meeting.

- 2) During the course of the Annual Meeting, the Council may if it wishes, resolve itself into a Committee of the whole Council for the purpose of appointing Sub-Committees.
- 3)
 - (a) Where urgent matters arise and there is insufficient time to convene a meeting of the Council, or it would be disproportionate to do so in relation to the scale of decision required, executive power is vested in the Borough Director, in consultation with the Mayor (or, in the Mayor's absence, the Deputy Mayor) to deal with them and to give instructions provided that no decisions shall be made or instructions issued under this Order which are contrary to another resolution of the Council or to established practice. Such decisions are to be recorded in a register to be kept by the Democratic Services Manager.
 - (b) Where urgent matters arise and there is insufficient time to convene a meeting of a Committee or Sub-Committee, its executive power is vested in the appropriate Directors, in consultation with the Chair, Vice-Chair (or in their absence their nominees who should, if possible, be members of the appropriate Committee) and, where practicable, the Opposition Spokesperson(s) to deal with them and to give instructions.

No decisions shall be made or instructions issued under this Order which are contrary to any resolutions of the Council, Committee or Sub-Committee or to established practice. In the case of Sub-Committees the Chair of the parent Committee shall also be consulted. Such decisions are to be recorded in a register to be kept by the Head of Democratic Services.
- 4) Where action is taken under any such arrangement, a report of that action, including a note of the circumstances which made it necessary, shall be put before the next meeting of the Council / Committee.

37. SUB-COMMITTEES

Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

38. QUORUM OF COMMITTEES AND SUB-COMMITTEES

- 1) Except where authorised by statute or ordered separately by the Council, business shall not be transacted at a meeting of any Committee or Sub-Committee unless at least one quarter of the whole number of the Committee are present: provided that in no case shall any business be transacted unless at least two voting Members are present.

- 2) The provisions of Standing Order 4 shall apply to a meeting of a Committee or Sub-Committee at which a quorum is not present, as they would apply if it were a meeting of the Council.

39. VOTING IN COMMITTEES AND SUB-COMMITTEES

Voting at a meeting of a Committee or Sub-Committee shall be by show of hands (or, in due course and subject to further decision, by electronic device). (See earlier section on Council voting.)

40. STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

The Standing Order of the Council headed "Rules of Debate" (SO.10) and the Standing Order headed "Interest of Members in Contracts and Other Matters" (SO.19) shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

STANDING ORDERS RELATING TO THE COUNCIL'S FINANCIAL ADMINISTRATION AND VARIATION / SUSPENSION OF STANDING ORDERS

41. FINANCIAL ADMINISTRATION AND BUDGETARY CONTROL

1) Financial Administration

- (a) The full Council is responsible for regulating and controlling the finances of the Council.
- (b) The Head of Financial Services shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs.

(The Council's Treasury Management Policy Statement appears as Annex A to these Standing Orders.)

- (c) As the Council's financial and economic adviser, the Head of Financial Services shall report to the Council, via the Executive Committee, with respect to the level of resources proposed to be used in each financial year.

That Officer shall also keep that Committee informed with respect to the Council's finances and financial performance and other Committees informed with respect to the financial implications of their activities.

- (d) The Leader of the Council is entitled to attend all meetings of the Council's Committees and Sub-Committees and to speak, but not to vote (unless a member), on matters relating to annual or supplementary estimates or on any proposal involving expenditure.
- (e) The Council is responsible for making and amending from time to time such Financial Regulations as it considers necessary and desirable for the supervision and control of the finances, accounts, income, expenditure and assets of the Council, in conformity with this Standing Order.
- (f) Each Committee shall be responsible for the observance of the Council's Standing Orders, Financial Regulations, and Constitutional requirements in relation to role, function and powers vested in it for the time being by the Council.
- (g) Each Director is responsible for the accountability and control of staff and the security, custody and control of all other resources including plant, land or property, materials, cash and stores relating to or being used in the provision of the Council's services.

2) Budgetary Control

- (a) Inclusion of projects in the Capital Programme does not confer the right to incur expenditure. Approval to expend monies will be given by the Executive Committee following submission of a project appraisal, prepared jointly by the Sponsoring Officer and the Borough.

- (b) Nothing in these Standing Orders shall prevent the incurring of expenditure which is essential to meet any immediate needs created by a sudden emergency, subject to the action being carried out in accordance with Standing Order 3, and the expenditure being reported to the next meeting of the full Council.
- (c) The inclusion of items in approved revenue estimates shall constitute authority to incur such expenditure save to the extent to which the Council shall have placed a reservation on any such item or items. Expenditure on any such reserved items may be incurred only when, and to the extent that, such reservation has been removed.

42. VARIATION AND REVOCATION OF STANDING ORDERS

Except where it is in accordance with a recommendation of a Committee, any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

43. SUSPENSION OF STANDING ORDERS

(Note: Under the Council's current Constitution, it should rarely be necessary to need to consider suspension of Standing Orders.)

- 1) Subject to paragraph (2) of this Standing Order, in exceptional circumstances and subject to the Council being apprised of the nature of any proposed amendment, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 2) A motion to suspend Standing Orders shall not be moved without notice (under Standing Order No.7) unless there are present at least half of the whole number of the members of the Council.
- 3) Under the current constitutional arrangements there should generally be little reason to suspend Standing Orders and the Mayor should therefore seek the advice of the Borough Director and/or Monitoring Officer and/or Democratic Services Manager, prior to consideration of any such proposal.

44. STANDING ORDERS TO BE GIVEN TO MEMBERS

The Borough Director shall give a printed copy of these Standing Orders (and any relevant statutory provision which regulate the proceedings and business of the Council) to each Member when first elected to the Council upon delivery to him/her of the Member's Declaration of Acceptance of Office.

45. INTERPRETATION OF STANDING ORDERS

The ruling of the Mayor / Chair, as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

STANDING ORDERS RELATING TO PROCUREMENT AND CONTRACTS

(This Standing Order is subject to current Review – further reports will follow in due course.)

46. CONTRACTS

These Contract Procedure Rules set out how the Council will invite tenders and let contracts for the supply of goods, material, works or services. The purpose of these Contract Procedure Rules is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with Council policies.

These Contract Procedure Rules shall apply to any quotations and tenders sought by any person employed or engaged by the Council on any Council business to whom the power of making contracts has been delegated, including quotations and tenders sought as a result of a decision by the Council or the Executive Committee. These Contract Procedure Rules apply equally where payment is expected to be received by the Council as to where payment is to be made.

No quotation or tender sought on behalf of the Council shall be otherwise than in accordance with these Contract Procedure Rules.

N.B. Some of the rules have the abbreviation ‘GN’ next to them. This means that there is a guidance note available for that part of the rule.

A. GENERAL

- A.1** In these Contract Procedure Rules the expression “the Council” shall be deemed to include reference to a Committee or Officer acting on behalf of the Council only where the Council has delegated authority to the Committee or Officer to act on behalf of the Council.
- A.2** These Contract Procedure Rules are made pursuant to the Local Government Act 1972 Section 135 and shall come into force on 1 January 2003
- A.3** Subject to Contract Procedure Rule A(6) every contract made on behalf of the Council shall comply with:
- (a) these Contract Procedure Rules ;
 - (b) the Council’s Constitution;
 - (c) the Council’s Financial Regulations (Standing Order 41);
 - (d) the Council’s Procurement Strategy (adopted 20 March 2002);
 - (e) all relevant statutory provisions, as amended from time to time, including, in particular, the Local Government Act 1999 and any relevant EU Directives;
 - (f) any direction by the Council or Executive Committee as appropriate;

- (g) the Council's Good Purchasing and Tendering Practice Guide issued by the relevant Director and approved by the Corporate Management Team;
- (h) the Scheme of Delegation to Officers.

A.4 No contract of a fixed duration may be extended for any period unless the original contract was for a period of between one and four years. This will not apply to contracts which are extended to allow completion of the contract.

A.5 No contract shall be entered into unless budgetary provision is available to cover the estimated cost of the proposed expenditure.

A.6 These Contract Procedure Rules shall not apply or may be varied where or to the extent that:

- (a) the Council so resolves; or
- (b) statute or subordinate legislation prescribes otherwise.

In an emergency, the Executive Committee may make exception to these provisions. The Executive Committee shall report to the Council the emergency by which the exception has been justified.

A.7 All contracts where a specification issued by the British Standards Institution is current at the date of the invitation to quote or tender and is relevant, shall require as a minimum that goods and materials used in their execution shall be in accordance with that specification except where an appropriate European Standard is acceptable under ISO, or there is an equivalent standard used in the Country of origin of that firm.

A.8 These Procedure Rules, including financial limits, shall be reviewed annually by the Council.

B. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS UNDER £1,500 (EXCLUSIVE OF VAT)

In all cases where an Officer is obtaining goods, materials, works or services on behalf of the Council, the Officer must take steps to ensure that any contract of this value offers value for money and is of the right standard and quality.

C. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS:

BETWEEN £1,501 (EXCLUSIVE OF VAT) AND £5,000 (EXCL. VAT) (GN)

N.B. These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and NOT to the annual cost of the contract

- C.1** (a) At least 3 quotations must be obtained from potential contractors (for example, from trade brochures, catalogues or web sites) where the estimated value of the proposed contract is between £1,501 and £5,000, except where the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
- (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
 - (ii) best value is likely to be obtained by making purchases or sales by auction;
 - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
 - (iv) quotations have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body.
- (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Quotations, or the seeking of Quotations would be uneconomic, the relevant Director or Head of Service may, in accordance with the Scheme of Delegations, certify that Quotations should not be sought and shall record such certification in the relevant working papers.
- (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the appropriate Director or Head of Service on :
- (i) the reasons why such an extension is considered to be appropriate; and
 - (ii) any additional expenditure which may be incurred by such an extension;

and shall seek approval of the relevant Director or Head of Service to an extension of the existing contract and to any revised expenditure. Any such approval shall be recorded in the relevant working papers.

- C.2** A record of where quotations were obtained from and written evidence (e.g. print of relevant page) of the offer being made must be placed with the relevant working papers.
- C.3** Where three quotations are not obtained, then the Officer concerned shall, in consultation with the relevant Director or Head of Service certify the reason for not obtaining three quotations in the relevant working papers and proceed to consider those quotations that have been obtained.
- C.4** The obtaining Officer shall accept the lowest Quotation where the evaluation is on price only or the most economically advantageous if evaluation is on price and other factors such as quality, and no other quotation shall be accepted except in consultation with the relevant Director or Head of Service nominated by the relevant Director. Where a quotation other than the lowest or the most economically advantageous is accepted, the relevant Director or Head of Service shall record the reason for accepting that Quotation in the relevant working papers.
- C.5** The relevant Officer must also consider whether an Official Order is adequate to cover all the terms and conditions of the proposed contract and if not, ensure that contract documentation specific to that contract is prepared. Whether the contract is let by Official Order or a specific contract is drafted, the Order or Contract must specify, inter alia:
 - (a) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));
 - (b) the price to be paid including any terms for deductions, discounts or penalties;
 - (c) where applicable, the time or times within which the contract is to be performed;
 - (d) such other conditions and terms as may be agreed between the parties.

D. OBTAINING GOODS, MATERIALS, WORKS OR SERVICES WHERE THE ESTIMATED VALUE IS:

BETWEEN £5,001 (EXCLUSIVE OF VAT) AND £40,000 (EXCLUSIVE OF VAT)

N.B. These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and NOT to the annual cost of the contract.

D.1 Estimate (GN)

- (a) Before any prospective contractors can be invited to submit a quotation for the supply of goods services or materials or for the execution of any work, the relevant Officer shall identify the purpose, scope and type of the proposed contract and shall estimate, on the basis of all relevant information which is available to them, the likely value of the proposed contract.
- (b) The relevant Officer must record their estimate and demonstrate how they arrived at the estimated value of the proposed contract within their working papers.

D.2 Authority to Proceed

No Officer shall have the authority to proceed further with the contract process set out in these Contract Procedure Rules unless:

- (a) the estimated value of the proposed contract shall have been approved for expenditure by Council or the Executive Committee, as appropriate; or
- (b) the relevant Officer shall have power delegated to them to incur expenditure in connection with the proposed contract.

[Please refer to Standing Order 41 and/or the Scheme of Delegation to Officers]

D.3 The Specification (GN)

- (a) All Quotations for the supply of goods, services or materials or for the execution of works shall relate to an appropriately detailed specification. The relevant Officer must ensure that the detailed specification falls within the approved estimate.
- (b) The relevant Officer must also consider whether an Official Order is adequate to cover all the terms and conditions of the proposed contract and if not, ensure that contract documentation specific to that contract is prepared. Whether the contract is let by Official Order or specific contract is drafted, the Order or Contract must specify, inter alia,:

- (i) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));
- (ii) the price to be paid including any terms for deductions, discounts or penalties;
- (iii) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

D.4 Exceptions to the requirement to seek Quotations

- (a) At least three written Quotations shall be invited where the estimated value of the proposed contract is between £5,001(exclusive of VAT) and £40,000 (exclusive of VAT) except where, the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
 - (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
 - (ii) best value is likely to be obtained by making purchases or sales by auction;
 - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
 - (iv) quotations have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body **(GN)**
- (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Quotations, or the seeking of Quotations would be uneconomic, the relevant Director or Head of Service may, in accordance with the Scheme of Delegation, certify that Quotations should not be sought and shall record such certification in the Quotations Register.
- (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the appropriate Director or Head of Service on :
 - (i) the reasons why such an extension is considered to be appropriate; and

- (ii) any additional expenditure which may be incurred by such an extension; and shall seek approval of the relevant Director or Head of Service to an extension of the existing contract and to any revised expenditure. Any such approval shall be recorded in the Quotations Register against the original Quotation.
- (d) Single Quotations may be invited where the relevant Director or Head of Service considers it desirable in the Council's best interest that a Quotation for the execution of work or the provision of services should be negotiated with a contractor already engaged by the Council. Any such decision shall be recorded in the Quotations Register.

D.5 Inviting Quotations (GN)

All Quotations must be obtained from Contractors by one of the following methods:

- (a) open competitive quotation;
- (b) selection from an Ad Hoc List;
- (c) selection from the Council's Standing Approved List;

unless the relevant Director certifies that it would be uneconomic to do so and records that certification in the Quotations Register.

D.6 Form of Quotation and Submission of Quotations

- (a) The criteria for evaluating Quotations, including any weighting, must be in writing and prepared in advance of Quotations being invited.
- (b) All Quotations shall be invited on the basis that "the Council will not be bound to accept any Quotation".
- (c) The Invitation to submit Quotations shall state that no Quotation will be considered unless contained in a plain sealed envelope bearing the word "Quotation" followed by the subject to which it relates. Every such envelope shall bear no name or mark indicating the person, company or firm submitting the Quotation. The envelope or package in which the Quotation is submitted should not be capable of being sealed more than once.
- (d) Every Quotation shall be addressed to the relevant Director and shall remain in that Officer's custody until the appointed time for their opening.
- (e) **Confidentiality /Collusion**

The persons, company or firm submitting a Quotation must not communicate to any person other than the Council the amount of their Quotation and must not adjust the amount of their Quotation in accordance with any agreement or arrangement between them or any other person other than the Council.

- (f) If any amendments or clarifications to the Quotation documents have been made by Officers during the Quotation period, or are required as a result of a request in writing from a prospective contractor for an amendment to or clarification of the Invitation to Quote, then this fact must be communicated in writing to all other persons, firms or companies who have been invited to submit quotations.

D.7 Opening of Quotations (GN)

- (a) All Quotations for a contract shall be opened in the presence of at least two Officers at a predetermined time in an area clear of other distractions and must be endorsed with the date and time of opening by both Officers present and listed in a register of Quotations received maintained in the relevant Service Team.
- (b) The register must record the following particulars:
 - (i) a description of the goods, materials, works or services concerned;
 - (ii) the Officer's estimate of the value of the goods, materials, works or services;
 - (iii) the date and time when the Quotations were opened;
 - (iv) the name of the person, company or firm submitting the Quotation and the amount of the Quotation;
 - (v) the names and signatures of all persons present at the opening of the Quotations;
- (c) **Confidentiality /Collusion**

No Officer present at the opening of a Quotation shall discuss a Quotation or communicate the amount of a Quotation to any person other than relevant Officers, Members, the Executive Committee or the Council
- (d) Where three Quotations are not received owing to a lack of suitable persons, companies or firms, or for any other reason, then the relevant Officer shall, in consultation with the relevant Director, certify the reason for not obtaining three Quotations in the Quotations Register and proceed to consider those Quotations which have been received.

D.8 Late Quotations

Any Quotation submitted in competition, received after the specified time, shall be returned promptly to the person, company or firm submitting the Quotation by the relevant Director. The Quotation may be opened to ascertain the name and address of the person, company or firm submitting it but no details of the Quotation shall be disclosed.

D.9 Alterations to Quotations

- (a) Where examination of Quotations reveals errors or discrepancies which would affect the Quotation figure(s) in an otherwise successful Quotation, the person, company or firm submitting the Quotation shall be given details of such errors and discrepancies and afforded an opportunity to confirm their offer, amend it to correct genuine errors or withdraw the offer. Where it appears to the Council that all those who submitted Quotations may have misunderstood what was required to be included in the Quotation they shall all be given an opportunity to assess whether they have misunderstood what was required. No further action should be taken until the Officer concerned has consulted the relevant Director and Internal Audit.
- (b) Any exception to this procedure may be authorised only by the Council after consideration of a report by the Officer concerned.

D.10 Evaluation of Quotations

- (a) All Quotations shall be evaluated in accordance with the Evaluation Criteria by at least two Officers.
- (b) The Officers evaluating any Quotation shall record their evaluation results, showing how the successful Tenderer was selected and shall sign the record which shall then be retained with the Tender documentation.

D.11 Acceptance of Quotations

The relevant Officer shall accept the lowest Quotation where the evaluation is on price only, if it is within the approved estimate, or the highest Quotation if payment is to be made to the Council, where the evaluation of the Quotation is on price only. For Quotations which are to be evaluated on the basis of price and other factors, such as quality, the person, company or firm who scores the highest in accordance with the evaluation criteria may be accepted by the relevant Director if the Quotation is within the approved estimate and shall record the details of the successful person, company or firm in the Quotations Register. No other Quotation shall be accepted except by resolution of the Executive Committee.

D.12 Retention of Quotation Documents

All Quotation documentation should be retained by the relevant Service Team for the duration of the contract, including any maintenance period and a further period of six years if made under hand or twelve years if made under seal.

**E. CONTRACTS WHERE THE ESTIMATED VALUE EXCEEDS £40,000
(EXCLUSIVE OF VAT)**

N.B. These limits refer to the value of the contract over the whole length of the contract including any possible extension under the terms of the contract and the value of any items which are being procured free of charge as part of a contract and **NOT** to the annual cost of the contract.

E.1 Draft Specification (GN)

The relevant Officer shall identify the purpose, scope and type of the proposed contract and shall draw up a draft specification.

E.2 Estimate (GN)

- (a) Before any prospective contractors can be invited to submit a tender for the supply of goods services or materials or for the execution of any work, the relevant Officer shall estimate, on the basis of all relevant information which is available to them, the likely value of the proposed contract.
- (b) The relevant Officer must record their estimate and demonstrate how they arrived at the estimated value of the proposed contract within their working papers.

E.3 Authority to Proceed

No officer shall have the authority to proceed further with the contract process set out in these Contract Procedure Rules unless:

- (a) the estimated value of the proposed contract shall have been approved for expenditure by the Council or Executive Committee, as appropriate; or
- (b) the relevant Officer shall have power delegated to them to incur expenditure in connection with the proposed contract.

[Please refer to Standing Order 41 and/or the Scheme of Delegation to Officers]

E.4 The Specification and Tender Documentation

- (a) All Tenders for the supply of goods, services or materials or for the execution of works shall relate to a detailed specification drawn up from the draft specification referred to at E.1 above. The relevant Officer must ensure that the detailed specification falls within the approved estimate.
- (b) The relevant Officer shall also include within the Tender documentation an appropriate draft Contract which must specify, inter alia :
 - (i) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));

- (ii) the price to be paid including any terms for deductions, discounts or penalties ;
- (iv) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

E.5 Exceptions to the requirement to seek Tenders

- (a) Tenders shall be invited where the estimated value of the proposed contract exceeds £40,000 (exclusive of VAT) except where, the relevant Director or the Officer to whom responsibility for the proposed contract has been delegated certifies that:
 - (i) the goods, services, or materials to be supplied or the works to be executed, are of a proprietary or special character or are obtainable from only one supplier or contractor for which it is not possible or desirable to obtain competitive prices;
 - (ii) best value is likely to be obtained by making purchases or sales by auction;
 - (iii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition;
 - (iv) tenders have been invited on behalf of any consortium, collaboration or similar body, of which the Council is a member, in accordance with any method adopted by such a body **(GN)**
- (b) Where the contract is for the supply of goods, services or materials or for the execution of works which are required so urgently as not to permit the invitation of Tenders, the relevant Director may, in accordance with the Scheme of Delegations, certify that Tenders should not be sought. Any such Director certification shall be reported to the next meeting of the Executive Committee.
- (c) Where the relevant Officer considers that an extension to an existing contract for the supply of goods, services or materials or the execution of works is appropriate, they shall, prior to the expiry of the existing contract, report to the Executive Committee on :
 - (i) the reasons why such an extension is considered to be appropriate; and

- (ii) any additional expenditure which may be incurred by such an extension; and shall seek approval of the Council or the Executive Committee, as appropriate, to an extension of the existing contract and to any revised expenditure **(GN)**.
- (d) Single Tenders may be invited where the Council or the Executive Committee considers it desirable in the Council's own best interest that a Tender for the execution of work or the provision of services should be negotiated with a contractor already engaged by the Council.

E.6 Inviting Tenders (GN)

- (a) Where none of the exceptions set out at E.5 apply, the relevant Officer shall determine, in consultation with the Best Value Manager which of the following 4 methods shall be used to invite Tenders :

- (i) **Open Competitive Tender**

Tenders shall be invited after giving not less than a minimum of 14 days' public notice in at least one local newspaper and in such trade journals as the relevant Officer consider suitable, stating the nature and purpose of the contract, and inviting applications from persons, companies or firms wishing to tender for its execution and stating the time and date by which Tenders should be submitted. All notices must comply with Contract Procedure Rule A.3(e) and all Tenderers must be approved by Council before any Tender submitted may be considered.

- N.B. The minimum notice period will vary depending on the nature and value of the contract for which Tenders are sought. The relevant Officer should ensure that they consult the Best Value Manager to establish the correct minimum notice period and take this into account in the relevant timetable.

- (ii) **Ad Hoc Approved List**

Tenders shall be invited after due public notice has been given as set out for Open Competitive Tenders above seeking applications to be placed on a list to be approved by the Council from which selected contractors will be invited to submit Tenders for that specific contract only.

- (iii) **Standing Approved List**

- (A) Tenders shall be invited from persons, companies or firms included in a list approved by the Council for the supply of goods or materials of specified categories, values or amounts or for the carrying out of specified categories of works or for the provision of services.

The list shall be compiled and maintained by the Director of Strategy & Review and shall indicate whether a person, company or firm whose name is included is approved for contracts for all or only some of the specified values, amounts or categories.

(B) The list shall be compiled in the following manner:

- (1) Notices inviting applications for inclusion in the list shall be published not less than 37 days before the list is compiled in at least one local newspaper and one trade journal;
- (2) The approved list may be amended from time to time by the Council and shall be reviewed at intervals not exceeding 3 years;
- (3) At least four weeks before each review each person, company or firm whose name appears in the list shall be asked whether they wish to remain therein and notices inviting applications for inclusion in the list shall be published in the manner provided at B(1) above.

(iv) **Negotiated procedure**

For certain supply, service, utility and works contracts, the negotiated procedure may be appropriate [See Contract Procedure Rule F]

(b) All Tender notices shall be placed by the Best Value Manager in accordance with the Council's Good Purchasing and Tendering Practice Guide. **(GN)**

E.7 Pre-Contract Approval of Contractors (GN)

- (a) The Best Value Manager and the Financial Services Manager shall make such enquiries as they deem necessary to verify the Contractor's financial suitability, technical competence, past performance and references, Health & Safety policies and practices (in so far as the Council is so permitted under the relevant legislation) before any contractor can be :
 - (i) appointed on a contract ; or
 - (ii) included on any Council Standing Approved, Ad Hoc Approved, or Select List of contractors.
- (b) Details of all contractors who have been vetted against the above criteria will be submitted to the Council for approval for inclusion in the relevant List.

E.8 Number of Tenderers or Invitees (GN)

- (a) Invitations to Tender from an Ad hoc List or a Standing List approved by the Council shall be sent to at least three persons, companies or firms selected from amongst those included in the Approved List as appropriate for a contract of that amount, value or category, provided that , if the appropriate Approved List contains the names of fewer than three persons, companies or firms invitations shall be sent to all such persons, companies or firms.

Where the Tender is to be awarded under European Legislation then at least 5 persons, companies or firms shall be selected.

- (b) The selection of persons, companies or firms from an Ad Hoc or Standing List from whom Tenders shall be invited shall be delegated to the relevant Officer.
- (c) Each person, company or firm to be invited to submit a Tender shall be asked to confirm in writing their interest in tendering for the contract and where no such interest is expressed another person, company or firm from the same list shall be invited to express their interest until the required number of persons, companies or firms have expressed such interest.
- (d) Subject to (c) above, the persons, companies or firms invited to submit Tenders shall include the persons, companies or firms that submitted the two lowest Tenders (or the two highest Tenders in a case where payment is being made to the Council) for the previous contract of a similar nature. Where such Tenders are not from the list being used for the Tender in question, the appropriate Director shall maintain a written record of the reason why these two Tenderers were chosen and why the two lowest Tenderers (or the two highest Tenderers in a case where payment is being made to the Council) from the said List were omitted.
- (e) Such other persons, companies, or firms included on the List from which Tenders are to be selected, where the number on the List exceeds the number required to Tender shall be invited in the following manner:
- (i) at least two in strict rotation;
- (ii) the remainder at the discretion of the appropriate Director who should record in the appropriate register the reason for such decision.
- (f) After selection of the persons, companies or firms to be invited to tender, arrangements shall be made for all tender documents to be sent to such persons, companies or firms by registered post, unless the person, company or firm involved has indicated that they wish to collect the tender documents personally, in which case a signature confirming safe receipt must be obtained from the person collecting the documentation. Where tender documentation is sent to a person, company or firm by registered post, the person, company or firm shall be asked to confirm, in writing, safe receipt of the tender documentation and whether or not they intend to submit a tender.

E.9 Sub-Contractors and Nominated Suppliers

- (a) Where a sub-contractor or supplier is to be nominated to a main contractor, in the absence of statutory requirements setting out different procedures, all Quotations or Tenders must be invited by the Council in accordance with the relevant tendering procedure laid down in these Contract Procedure Rules. The correct procedure to be followed will be determined by the estimated value of the sub-contract.
- (b) The terms of an invitation for nomination in accordance with (a) above shall require an undertaking by the person submitting a Tender that if they are selected they will be willing to enter into a contract with the main contractor on terms which will indemnify the main contractor against their own obligations under the main contract in relation to the work, goods or services included in the sub-contract.
- (c) So far as practicable, the Council shall ensure that the nominated sub-contractor complies with the main clauses of the contract and that evidence is provided to the Council upon request that the sub-contractor is complying with the Good Tendering Practice Guide.

E.10 Form of Invitation to Tender and Submission of Tenders

(a) **Evaluation Criteria for Tenders (GN)**

The criteria for evaluating Tenders, including any weighting, must be in writing and 2 copies lodged in a sealed envelope with the Head of Democratic Services in advance of Tenders being invited. The Officer receiving the Evaluation Criteria shall indicate on the envelope the date and time of its receipt by him/her. The opening of the sealed envelope should follow the same procedure as for the opening of Tenders. One copy of the evaluation criteria shall be retained by the Head of Democratic Services and the second copy released along with the Tender documents.

- (b) All Tenders must be submitted on a Form of Tender prepared by the Council which shall include a statement that “the Council will not be bound to accept any Tender”.
- (c) The Invitation to Tender documentation must contain the Evaluation Criteria for the award of the contract.
- (d) The Invitations to Tender shall state that no Tender will be considered unless contained in a plain sealed envelope bearing the word “Tender” followed by the subject to which it relates. Every such envelope shall bear no name or mark indicating the Tenderer. The envelope or package in which the Tender is submitted should not be capable of being sealed more than once.
- (e) Every Tender shall be addressed to the Borough Director and shall remain in that Officer’s custody until the appointed time for their opening.

(f) **Confidentiality /Collusion**

The Tenderer must not communicate to any person other than the Council the amount of their Tender and must not adjust the amount of their Tender in accordance with any agreement or arrangement between them or any other person other than the Council.

(g) The Officer receiving the Tenders shall indicate on the envelope the date and time of its receipt by him/her.

(h) If any amendments or clarifications to the Tender documents have been made by Officers during the Tender period, or are required as a result of a request in writing from a prospective Tenderer for an amendment to or clarification of the Invitation to Tender, then this fact must be communicated in writing to all other persons, firms or companies who have been invited to tender.

E.11 Opening of Tenders (GN)

(a) All Tenders for a contract shall be opened at a predetermined time in an area clear of other distractions. The opening shall be in the presence of the Chair or Vice-Chair of a relevant Overview & Scrutiny Committee and the Democratic Services Manager or an appropriate Officer of the Council designated by him/her.

(b) The Democratic Services Manager shall prepare and maintain a register of Tenders received and shall record in the register the following particulars:

(i) the last date and time for the receipt of Tenders;

(ii) the date and time when the Tender was actually received;

(iii) the name of the Tenderer and the amount of the Tender;

(iv) the date and time when upon the Tenders were opened;

(v) the signature of the Officer to whom the Tenders were handed after opening;

(vi) the names of all persons present at the opening of the Tenders;

(vii) any nil responses by a Tenderer;

(viii) in respect of 'Schedule of Rates' contracts, any rates left blank in the Tender Schedule should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response; and

- (ix) in respect of any Tender, any figure left blank in the Tender documents should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response.
- (c) All persons required by (a) above to be present at the opening of Tenders shall immediately sign against the relevant particulars in the register as evidence of such Tenders having been opened by them or in their presence. Tender documents should be initialled and dated by the Members / Officers immediately after they are opened.
- (d) **Confidentiality /Collusion**

No Member or Officer present at the opening of a Tender shall discuss a Tender or communicate the amount of a Tender to any person other than relevant Officers, Members, the Executive Committee or the Council

E.12 Late Tenders

Any Tender submitted in competition, received after the specified time, shall be returned promptly to the Tenderer by the Head of Democratic Services, or an appropriate Officer of the Council designated by him/her. The Tender may be opened to ascertain the name and address of the Tenderer but no details of the Tender shall be disclosed.

E.13 Alterations to Tenders

- (a) Where examination of Tenders reveals errors or discrepancies which would affect the Tender figure(s) in an otherwise successful Tender, the Tenderer shall be given details of such errors and discrepancies and afforded an opportunity to confirm their offer, amend it to correct genuine errors or withdraw the offer, such confirmation, amendment or withdrawal to be submitted to the Council in writing by the Tenderer. Where it appears to the Council that all Tenderers may have misunderstood what was required to be included in the Tender they shall all be given an opportunity to assess whether they have misunderstood what was required. No further action should be taken until the Officer concerned has consulted the relevant Director and Internal Audit.
- (b) Any exception to this procedure may be authorised only by the Council after consideration of a report by the Officer concerned.

E.14 Evaluation of Tenders

- (a) All Tenders shall be evaluated in accordance with the Evaluation Criteria by at least two Officers and/or a Member Panel, as appropriate **(GN)**.
- (b) The Officers/Member Panel evaluating any Tender shall record their evaluation results, showing how the successful Tenderer was selected and shall sign the record which shall then be retained with the Tender documentation.

E.15 Acceptance of Tenders (GN)

- (a) The relevant Director shall accept the lowest Tender where the evaluation is on price only, if it is within the approved estimate, or the highest Tender if payment is to be made to the Council, where the evaluation of the Tender is on price only.

For Tenders which are to be evaluated on the basis of price and other factors, such as quality, the person, company or firm who scores the highest in accordance with the evaluation criteria may be accepted by the relevant Director if the Tender is within the approved estimate and the relevant Director shall record the details of the successful person, company or firm in the Tender Register.

- (b) No Tender shall be accepted otherwise than in accordance with these Contract Procedure Rules, unless the Executive Committee has considered a written report on such Tender from the appropriate Officer and resolved to accept that Tender.

E.16 Retention of Tender Documents

All Tender documentation should be retained by the relevant Service Team for the duration of the contract, including any maintenance period and a further period of six years if made under hand or twelve years if made under seal.

F. NEGOTIATED PROCEDURE

F.1 This Procedure Rule applies when the Executive Committee agrees that a Director should consult and negotiate with one or more potential service providers of the Council's choice.

F.2 Use of the EU negotiated procedure (with publication of a contract notice) is only justifiable in the following situations:

- (a) when irregular or unacceptable tenders have been received on a restricted or open tendering exercise; or
- (b) contract conditions cannot be specified with precision because contract specifications cannot be established with sufficient precision to enable fixed pricing of tenders in accordance with open or restricted procedures.

F.3 Where the negotiated procedure is considered to be appropriate, the relevant Officer will ensure that an Officer Group comprising as a minimum representatives from the procuring Service Team, Finance, Contract Compliance and Legal Services is formed. Where appropriate, or requested, a Member Group will also be formed.

F.4 The relevant Officer Group and, where appropriate, Member Group, shall then prepare a report to the Executive Committee, setting out the procedure to be followed for that specific negotiated contract.

G. CONTRACTS

G.1 Contracts to be in writing

N.B. A contract is a legally binding agreement with another party for:

- **the supply of goods or materials;**
- **the performance of services; or**
- **the undertaking of works**

under which the Council incurs a liability for payment or will receive payment or value in kind. It excludes a contract of employment. An Official Order constitutes a contract.

Every contract, other than a contract which is intended to be let by way of Official Order, shall be in writing in a form approved by the Legal Services Manager.

Every contract shall specify, inter alia:

- (i) the goods, services, materials, works, matters or things to be furnished, supplied, had or done (including any appropriate technical specification(s));
- (ii) the price to be paid including any terms for deductions, discounts or penalties;
- (v) where applicable, the time or times within which the contract is to be performed;
- (iv) such other conditions and terms as may be agreed between the parties.

G.2 Signature of Contracts

- (a) Every contract exceeding £40,000 which is not let by way of Official Order, shall be sealed on behalf of the Council by the Borough Director or the Head of Legal Services.
- (b) Every contract under £40,000 which is not let by way of Official Order may be signed by the relevant Director, in consultation with the Borough Director or the Head of Legal Services or, in the absence of the relevant Director, by the Borough Director or the Head of Legal Services.
- (c) Minor contracts, those under £ (figure / other criteria yet to be set) may be signed by the relevant Service / Budget holding Officer) without further reference.

(further decision required to activate this last authority.)

G.3 Clauses to be considered for inclusion in every non-Official Order Contract

The relevant Officer shall consider, in consultation with the Head of Legal Services, in the case of all contracts which are not suitable for letting by way of an Official Order, whether the following clauses, or clauses to the like effect, should be included in the contract or agreement entered into by or on behalf of the Council. The Borough Director shall be entitled, in consultation with the Head of Legal Services, to exempt certain contracts from some or all of the following clauses:

(a) **Liquidated Damages and Performance Bonds**

- (i) Every contract which exceeds £40,000 in value (exclusive of VAT) shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed save that in contracts for the supply of goods or materials the appropriate Director in consultation with the Head of Legal Services and the Borough Director shall have a discretion as to whether provision for liquidated damages should be made and the amount of such liquidated damages, which shall normally be 10% of the total value of the contract.
- (ii) Where a contract is estimated to exceed £40,000 in value (exclusive of VAT) and is for the execution of works or the supply of goods or materials by a particular date or series of dates the appropriate Officer must consult with the Head of Legal Services and the Borough Director to consider whether security is required for the due performance of the contract and, if so, the amount of such security, which shall normally be 10% of the total value of the contract. If security is required, the conditions of tender shall specify that the Council requires the successful Tenderer to provide a bond or other sufficient security for the due performance of the contract. Any security required **must** be received by the Council before the approved start date of the contract. If in exceptional circumstances (and only in the Council's interest) when work is allowed to commence under a contract before the contract documents have been completed, a letter will be sent to the contractor informing them that if the contract documentation has not been completed by the time of the first valuation no monies will be paid
- (iii) So far as practicable, a bond in a format approved by the Borough Director and the Head of Legal Services shall be included in every appropriate contract.

(b) **Insurances and Indemnity**

The Contractor shall provide a minimum of Two Million Five Hundred Thousand pounds (£2,500,000) Public Liability Insurance Indemnity and a minimum of Five Million pounds (£5,000,000) Employer's Liability Insurance or such other level of cover, including Professional Indemnity Insurance, as

the Borough Director shall advise, and shall provide a copy of the relevant insurance certificates as part of the contract documentation.

(c) **Assignment**

The contractor shall be prohibited from transferring or assigning directly or indirectly to any person or persons whatsoever, any portion of the contract without the written permission of the Council.

Subletting of any part(s) of the contract, except to the extent permitted in writing, shall be prohibited. However, the principal contractor shall remain responsible for all work undertaken by any subcontractor and for it being carried out under the same conditions as if executed by himself.

(d) **Prevention of Corruption**

The Council shall be entitled to cancel this contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or the execution of the contract or any other contract with the Council or for the showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf shall 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 of the Local Government Act 1972.

(e) **Collusion Tendering**

The contractor / supplier must not communicate to any person other than the Council the amount of a Quotation or Tender and must not adjust the amount of the Quotation or Tender in accordance with any agreement or arrangement between him/her or any person other than the Council.

(f) **Emergencies**

This contract may be used to meet the Council's emergency responsibilities and therefore any assets, facilities or services must be made available immediately to the Council, or at their discretion in connection with any civil or war emergency. Payment for providing such assets, facilities or services in these circumstances will be based on the day work rates for the contract.

(g) **Health and Safety at Work**

The contractor shall ensure that the contractor's employees, sub-contractors and any other person engaged in carrying out the contract take all due precautions to protect the health and safety of all persons who may be involved in, or affected by, the carrying out of the contract.

(h) **Equal Opportunities and Race Relations**

- (i) The Contractor shall not unlawfully discriminate either directly or indirectly on such grounds as race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age and without prejudice to the generality of the foregoing the Contractor shall not unlawfully discriminate within the meaning and scope of the Sex Discrimination Act 1975, the Equal Pay Acts 1970 and 1983, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Age) Regulations 2006, the Human Rights Act 1998 or other relevant legislation, or any statutory modification or re-enactment thereof.
- (ii) The Contractor shall take all reasonable steps to secure the observance of clause (h)(i) by all servants, employees or agents of the Contractor and all suppliers and sub-contractors employed in the execution of the Contract.
- (iii) The Contractor shall be able to demonstrate to the satisfaction of the Council that it complies with the above requirement and accordingly shall not treat one group of people less favourably than others because of their race, colour, ethnic or national origin, disability, sex or sexual orientation, religion or belief, or age in decisions to recruit, train, promote or dismiss employees.
- iv) The Council shall be empowered to suspend the contract or part thereof in the event of non-compliance by the Contractor with this condition, or with its legal duties under the Sex Discrimination Act 1975, the Equal Pay Acts 1970 and 1983, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Age) Regulations 2006, the Human Rights Act 1998 or other relevant legislation. The Contractor shall not resume provision of the contract or such part until the Council is satisfied that the non-compliance has been rectified.
- (v) The Contractor shall take all reasonable steps to secure that all servants, employees or agents of the Contractor and all sub-contractors employed in the performance of the Contract do not unlawfully discriminate as set out in (h)(i).
- (vi) The Contractor shall adopt a policy to comply with its statutory obligations under the Race Relations Act 1976 (as amended) and accordingly, will not treat one group of people less favourably than others because of their colour, race, nationality or ethnic origin in relation to decisions to recruit, train or promote employees.

- (vii) In the event of any finding of unlawful racial discrimination being made against the Contractor in the last three years by any court or industrial tribunal, or of an adverse finding in any formal investigation by the Commission for Racial Equality over the same period, the Contractor shall take appropriate steps to prevent repetition of the unlawful discrimination.
- (viii) The Contractor shall, on request, provide the Council with details of any steps taken under (h) (vii).
- (ix) The Contractor shall set out its policy on race relations:
 - a) in instructions to those concerned with recruitment, training and promotion;
 - b) in documents available to employees, recognised trade unions or other representative groups of employees;
 - c) in recruitment advertisements or other literature.
- (x) The Contractor shall, on request, provide the Council with examples of the instructions and other documents, recruitment advertisements or other literature.
- (xi) The Contractor shall observe as far as possible the Commission for Racial Equality's Code of Practice in employment as approved by Parliament in 1983, or any variation or amendment thereof, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities.
- (xii) The Contractor shall provide such information as the Council may reasonably request for the purpose of assessing the Contractor's compliance with (h) (xi).

(i) **Environmental, Customer Service and Other Policies**

Contractors will be asked to provide details of their environmental, customer service and other policies where deemed appropriate by Directors or by Council policy.

(j) **Data Protection**

- (i) The contractor shall not disclose to any third party any personal data held by the Council within the meaning and scope of the legislation for the time being in force and shall take all reasonable steps to secure the observance of this requirement by all employees, sub-contractors and agents employed in the execution of the contract.

- (ii) The contractor shall not process any personal data held by the Council for any purpose except as is necessary for the performance of the contract and shall ensure that appropriate technical and organisational measures are in place to safeguard the data against unauthorized or unlawful processing and against accidental loss or destruction of, or damage to, the data.

G.4 Contracts with Consultants

Every engagement of a consultant shall be subject to the conditions that:

- (a) such architect, engineer, surveyor or other consultant shall at all times be fully covered by professional indemnity insurance and that in relation to any contract referred to in 1. above he/she shall conform to the requirements of these Contract Procedure Rules, the Council's Financial Regulations and any direction from the Council, the Executive Committee or duly authorised Officer; and
- (b) shall at any time during the carrying out of the contract, produce to the appropriate Officer or their representative on request, all the records maintained by him/her in relation to the contract and on completion of the contract, transmit all such records to the appropriate Director.

G.5 Amendment, addition and variation of clauses to be considered for inclusion in non-Official Order Contracts

The Council may from time to time amend, add to or vary the clauses to be considered for inclusion in every non- Official Order contract.

STANDING ORDERS RELATING TO THE COUNCIL'S LAND AND PROPERTY

47. PURCHASE OF PROPERTY

Prior to a recommendation being made to the Executive Committee to purchase any property, the Head of Property Management, or his/her nominee, shall arrange for a building survey to be carried out with particular reference to the proposed use of the premises.

48. DISPOSAL OF COUNCIL-OWNED LAND

This Standing Order applies to all disposals of Council interests in land or property, including but not limited to, conveyances and leases and shall take effect on 1 January 1999.

- 1) Prior to any decisions being made to dispose of any Council interest in land or property, and subject to any subsequent Council Policy change, such as in respect to Minor Land Disposals or the Scheme of Delegation to Officers, the Executive Committee and/or Council shall consider joint comments of the Borough Director and such other Director as is concerned, upon the financial and other consequences of the proposed disposal.

- 2) Definitions

In this Standing Order:

"auction" means a sale in which land or property is sold to the highest bidder provided that the amount offered exceeds any reserve price (the lowest acceptable price fixed by the Vendor);

"private" means the negotiation for the disposal of an interest in land treaty" or property without any limit on the time within which they must be completed before contracts are exchanged;

"informal" means the invitation of offers without a firm closing date for tender" receipt of offers being specified.

- 3) Estimate

Before entering into discussions with potential purchasers of Council-owned land, the relevant Estates Officer shall estimate the value of the interest in the land and record the valuation in the file / register kept for the purpose and shall consider, in conjunction with the Borough Director, the proposed VAT treatment relative to the disposal.

4) Method of Disposal

When the relevant Estates Officer has estimated the value of the interest in the land, they shall consider how the interest should be disposed of, either by auction, private treaty or informal tender. A register shall be maintained in the relevant Directorate recording the following particulars :

- (a) a description of the land interest;
- (b) the Officer's estimate of the value of the interest;
- (c) which method of disposal the Officer has selected; and
- (d) the reason(s) for selecting that method.

The three methods of disposal are:

(i) Auction

Where land or property is of an individual or specialist nature, or where particular land or property is grouped together to be sold for investment purposes, the auction process may apply.

(ii) Private Treaty

Where there is limited interest in particular land or property (e.g. only one person, company or firm expresses an interest) the private treaty process may apply.

(iii) Informal Tenders

Where there are likely to be a number of parties interested in bidding for land or property the informal tender process may apply.

5) Procedure

(a) Auction

(Subject to any updates to Officers' delegated authority,)

- (i) Where the relevant Estates Officer considers that an interest should be disposed of by auction, a report shall be submitted to the Council, via the Executive-Committee requesting approval to dispose of the interest by auction.
- (ii) The relevant Estates Officer shall then make arrangements with an auctioneer for the disposal of the interest by auction.
- (iii) The auctioneer shall have authority to accept the highest offer above the reserve price on behalf of the Council.

(b) Private Treaty

- (i) The relevant Estates Officer shall negotiate on behalf of the Council with prospective purchasers or their agents with no time limit within which to complete negotiations.
- (ii) Should there be a sufficient number of interested parties, the relevant Estates Officer may decide that the interest should be disposed of by Informal Tender. The Informal Tender procedure set out below should then be followed.
- (iii) When negotiations for sale by private treaty have been completed, the relevant Estate Officer shall submit a report to the Council, via the Executive Committee, requesting approval to dispose of the interest to the purchaser concerned on the terms agreed.

(c) "Informal Tender"

(i) Invitations for Informal Tenders

Where informal tenders are to be invited, one of the following methods shall be used:

Open Competitive Tender

Land or property to be marketed by Informal Tender shall be advertised in at least one local newspaper and in such trade journals as the relevant Estates Officer considers suitable, stating the nature of the interest in land and inviting expressions of interest from persons, companies or firms wishing to tender for its acquisition.

Ad hoc List

Informal Tenders shall be invited after due notice has been given by way of advertisement as set out for Open Competitive Tenders above seeking expressions of interest to be placed on a list from which selected parties will be invited to submit bids.

(ii) Submission of Informal Tenders

The Invitations to Tender shall state that Tenders should be submitted in a plain sealed envelope bearing the word "Informal Tender" followed by the description of the land or property on offer.

The Invitations to Tender shall state that "the Council shall not be bound to accept any Informal Tender" and, where appropriate, shall give information about any criteria to be used in evaluating the bids.

The Invitations to Tender may request that Informal Tenders be submitted by a certain date. However, any Bid submitted after this date and before exchange of contracts must be considered.

Every Informal Tender shall be addressed to the Borough Director.

(iii) Opening of Informal Tenders

An Informal Tender shall be opened as and when it is received.

The opening shall be in the presence of an Officer from the Estates Services and an Officer from the Borough Directorate.

The Democratic Services Manager shall maintain a register of Informal Tenders and record in the register the following particulars:

- (a) The date and time when the Informal Tender was received;
- (b) The name of the Tenderer and the amount of the Informal Tender;
- (c) The date and time when the Informal Tenders were opened;
- (d) The signature of the Officer to whom the Informal Tenders were handed after opening; and
- (e) The names of all persons present at the opening of the Informal Tenders.

All persons required to be present at the opening of Informal Tenders shall immediately sign against the relevant particulars in the register as evidence of such informal tender having been opened by them or in their presence. Tender documents should be initialled and dated by the Officers immediately after they are opened.

(iv) “Best and Final Offers” / Referral to Committee

The relevant Estates Officer shall consider the Informal Tenders submitted and decide whether or not to refer some or all of the bids to the Council, via the Executive Committee, for it to consider whether approval should be given to dispose of the interest in the land or property.

If the relevant Estates Officer decides at this stage not to refer the highest bids to the Executive Committee, but to engage in a period of negotiation, they shall record the reason for that decision in a register maintained by them for that purpose.

Where “Best and Final Offers” in writing are sought from all those persons, companies or firms who submitted Informal Tenders, such “Best and Final Offers” shall be requested by a specific date.

Although any higher offers submitted before the Council has exchanged contracts for the disposal of the interest will be considered. The invitation to submit "Best and Final Offers" shall state that "the Council is not bound to accept any offer".

"Best and Final Offers" should be opened by an Officer from the Estates Services Team. Any "Best and Final Offers" received after the date specified for submission of such offers shall be opened by the relevant Estates Officer in the presence of the Borough Director or his/her nominated representative.

Where a higher offer is received before the Council has exchanged contracts for the disposal of the interest, and where the relevant Estates Officer considers it to be appropriate, the offer shall be reported to the Executive Committee.

If the person, company or firm submitting the highest bid subsequently seeks to substitute a lower bid without adequate reason being given to the relevant Estates Officer, all those persons, companies or firms who submitted offers should be given the opportunity to make a further offer by a specified date. The relevant Estates Officer should record the reason for seeking revised bids in a register.

When the relevant Estates Officer is of the opinion that they have received the best offer possible at that time for a particular interest in the relevant land or property and that the disposal should proceed, they shall report the offers received to the Executive Committee with their recommendation.

6) Contract

No purchaser or lessee will be allowed to enter into occupation of land or property owned by the Council

- a) until completion of the formal document (e.g. Conveyance Transfer or Lease) and payment of any sum due; or
- b) except under a Licence to Occupy (contained in an Agreement for Sale or an Agreement for Lease) or a Tenancy at Will in a form previously approved by the Council pending completion of the Conveyance Transfer or Lease.

STANDING ORDERS RELATING TO PETITIONS AND DEPUTATIONS

49. PETITIONS, AND DEPUTATIONS

- 1) This Standing Order shall apply to Standing Orders 50 and 51.
- 2) Petitions, and Deputations may only be presented to the Council if they are relevant to some matter in relation to which the Council has functions, or which affects the area of the Council or part of it or the inhabitants of that area or some of them and are regarded as urgent or of significant interest by the Borough Director in consultation with the Mayor. Alternatively, they may be presented to Committee and, if so, this Standing Order and Standing Orders 50 and 51 shall apply to them as if references to the Council were references to the relevant Committee and references to the Mayor were references to the relevant Chair.

For the purpose of avoiding potential conflict of interest, no Petitions and/or Deputations are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

- 3) Unless the Mayor decides otherwise, not more than 15 minutes (each) will be allowed to deal with Petitions and Deputations presented to the Council.
- 4) Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.
- 5) Petitions received as part of the planning applications or licence applications procedures shall be dealt with in accordance with those procedures, and exempted from the general provisions of Standing Order 50 (5) below.

50. PRESENTATION OF PETITIONS BY MEMBERS

- 1)
 - (a) At a meeting of the Council any member of the Council may present a petition, signed by persons other than Members of the Council, notice of which has been given to the Borough Director at least 9 clear days before the date of the meeting. The Member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
 - (b) With the consent of the Mayor, the Member referred to in (a) wishing to present the petition may nominate a signatory (normally the first named) to speak to the petition. It shall continue to be the responsibility of the nominating Member to be satisfied that the petition is proper to be received.
- 2) A Member wishing to present a petition shall give notice of his/her intention to do so to the Borough Director before the beginning of the meeting at which he/she wishes to present it.

- 3) The presentation of a petition shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- 4) The Petition shall then stand referred to the relevant Officer, other relevant authority or body, or Council Committee for response.
- 5) Ward, and other interested, Members shall be notified of any responses made other than via a Council Committee or the full Council itself.
- 6) Other Petitions

(Petitions in respect of Community Calls for Action to be incorporated at a later date)

Other petitions received by the Council shall be referred direct to the relevant Director and/or Manager, for response or action as appropriate to each case.

The petition shall be formally acknowledged by the receiving Officer, who will provide an indication of the action to be taken and likely timescales, and copy the petition (or prayer of the petition, with an indication of the numbers of signatories, as appropriate) for the information of relevant Ward Members / other interested Members.

Such subsequent action might include report to Committee or the Council, as appropriate.

51. HEARING OF DEPUTATIONS

- 1) Any person may ask that a deputation be received by a meeting of the Council. Such a request shall be made to the Borough Director at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 2) On being called by the Mayor, the person or persons speaking for the deputation may make such remarks as he/she or they think fit, (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 3) Members of the Council may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.

52. CODE OF CONDUCT

Upon election to the Council, Members' attention shall be drawn to the Code, a copy of which is attached at Appendix D (under Part 5A of the Constitution). Full adherence to the standards of behaviour in the Code, and in other related protocols, attached to the Constitution, is expected of all Members of the Council.

Separate Codes and/or Protocols exist in respect of Council Employees, Member & Officer relations; and Members and Officers engaged in the determination of Planning Applications; and/or involved in the administration or determination of Licensing Act 2003 Applications.

53. ANNUAL REVIEW OF STANDING ORDERS

- 1) The Borough Director shall ensure that these Standing Orders are reviewed annually, to ensure they are kept relevant to the business of the Council, and presented annually to the Council, normally to its Annual Meeting, for approval.
- 2) Any suggested amendments, additions or deletions to the Standing Orders will be notified to Members at such Council Meetings.

Annexes

A – Treasury Management Policy Statement

Annex A

TREASURY MANAGEMENT STRATEGY
2008/09

1. **Objectives**

The main objectives of Treasury Management are:-

a) **Borrowing**

- To effect funding in any one year at the cheapest rate commensurate with future risk.
- To forecast average future interest rates and borrowing accordingly.
- To monitor and review the level of variable interest rate loans in order to take greater advantage of interest rate movements.

b) **Investment**

- To maximise the return on investments while maintaining capital security.

c) **Cash Flow**

- To either borrow on a temporary basis to cover shortfalls in funds or make temporary investments in order to manage the Council's cash flow in the most cost effective way.
- To maintain minimum balances with the Council's bankers.

2.0 **Sources of Financing**

The following list specifies which borrowing instruments can be adopted:-

- Market – Long Term - Loans available through the London Money Market.
- Market – Temporary (up to 364 days) – Loans available through the London Money Markets.
- Public Works Loans Board – the low risk source of longer term borrowing for the Council.
- Overdraft - Redditch Borough Council has an overdraft limit of £1million with Lloyds TSB Bank plc.
- Internal (Capital receipts and revenue balances) - including “set aside” capital receipts earmarked to repay debt used as a substitute for new borrowing.
- Leasing.

3.0 Borrowing Limits

The prudential indicator for the Authorised Limit for external debt for the current year is the statutory limit determined under section 3(1) of the Local Government Act 2003: "A local authority shall determine and keep under review how much money it can afford to borrow."

4.0 Interest Rate Exposure

The Council will set for the forthcoming financial year and following two financial years upper limits to its exposures to the effects of changes in interest rates. These indicators will relate to both fixed interest rates and variable interest rates.

Annual Investment Strategy - 2008/09

Introduction

5.0 Guidance issued under section 15 (1) (a) of the Local Government Act 2003 requires the Council to approve an Annual Investment Strategy before the start of the financial year.

6.0 Objective

6.1. The objective of the Council's Investment Strategy is to prudently invest all surplus funds held on behalf of the authority. Priority will be given to security and liquidity but at the same time maximising yield.

6.2 The Council will not borrow funds to invest.

7.0 Types of Investments

7.1 The investments which the Council are able to use are categorised as 'Specified Investments' and 'Non-Specified' Investments. Specified Investments offer high security and high liquidity. They must be in sterling and have a maturity of less than a year. The Strategy is for the Council to restrict its investment activity to specified investments.

7.2 Specified Investments

All short-term investments arising from the management of the Council's cash flow shall be invested with:

- the major British clearing banks, National Westminster, Lloyds TSB, HSBC and Barclays, also Coutts and Company, the wholly owned subsidiary of National Westminster,
- building societies and building society conversions that are F1 or F1+ credit rated for short-term lending'
- all other local authorities (non-capped)
- 'AAA' rated Money Market Funds.

8.0 Credit ratings.

The Council's requirements in terms of credit ratings of lending parties are notified to the broker's. The Council principally relies on the credit ratings published by Fitch Ratings, to establish the credit quality of counterparties. Where a counterparty does not have a Fitch rating, the equivalent Moody's rating will be used.

9.0 External Fund Management

The Council has withdrawn from the use of external fund managers. Investments made or committed by the Council's fund managers have been returned to the Council and are now invested in-house. No new investments will be placed by external fund managers.

10.0 Reporting Arrangements

- 10.1 The Head of Financial, Revenues and Benefits Services will report on the prudential indicators as set out in CIPFA's Prudential Code for the coming year to the Council, at or before the start of the financial year and on the Treasury Management Strategy (including the Annual Investment Strategy) it is proposed to adopt for the forthcoming year.
- 10.2 The Head of Financial, Revenues and Benefits Services will produce an annual report for the Council by the 30th of September of the succeeding financial year.

(Considered by the Executive Committee on 12th March 2008)

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REDDITCH BOROUGH COUNCIL

FINANCIAL REGULATIONS

*(Revised Council May 2006
- Further updates pending to account for
revised Section 151 Officer responsibilities)*

General Notes:

- 1) Any reference to specific legislation, or other statutory provisions in the attached Regulations shall be automatically deemed to refer to the relevant aspects of any successive legislation or statutory provisions.

- 2) Reference to specific Officers in the attached regulations shall be automatically deemed to refer to any successor Officer(s) who is/are charged with the same responsibilities, following any future re-organisation, save that, for the sake of clarity and proper control, in the case of any future ambiguity about who shall exercise a particular responsibility, the delegation shall refer to the *higher* ranking Officer(s).

- 3) This set of Financial Regulations is as approved by the Council meeting held on 22nd May 2006, and requires further update, particularly in relation to the change of Section 151 Officer responsibilities.

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REDDITCH BOROUGH COUNCIL**FINANCIAL REGULATIONS****A. 1. GENERAL**

1. Subject to the Council's Constitution, the Council shall regulate and control its finances and accounts in all its Directorates and shall co-ordinate financial and accounting arrangements. Such arrangements shall be under the supervision of the **Chief Executive Borough Director (BD) (CX)**, or other Officer(s), duly authorised by him/her in writing.

2. FINANCIAL SUPERVISION

It shall be the duty of each Director to confer with the **BD CX** before introducing or amending any books, forms or procedure relating to accounts, and it shall be the duty of the **BD CX** to see that a uniform system is adopted as far as possible throughout the Council. The **BD CX** shall determine the form of, and the method of ordering and controlling, all official receipt forms or books, tickets, cheques and licences for which fees are chargeable.

B. ACCOUNTING

1. All accounting procedures and records of the Council and its Officers shall be determined by the **BD CX**. Where such procedures and records are maintained in a Directorate other than that of the **BD CX** he/she shall, before making any determination, consult the Director concerned.
2. All accounts and accounting records of the Council shall be compiled by the **BD CX** or under his/her direction.
3. The following principles shall be observed in the allocation of accounting duties:-
 - (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
 - (b) Officers charged with the duty of examining and checking the accounts of cash transaction shall not themselves be engaged in any of these transactions.

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4. Accounting procedures and records of the Council may be regulated in more detailed form by Accounting Instructions to be issued by the ~~BD~~ **CX**.

C. AUDIT

1. A continuous internal audit, under the independent control and direction of the ~~BD~~ **CX**, shall be arranged to carry out an examination of accounting, financial and other operations of the Council.
2. The ~~BD~~ **CX** or authorised representative shall have authority to:-
- enter at all reasonable times on any Council premises or land;
 - have access to all records, documents and correspondence relating to any financial and other transactions of the Council;
 - require and receive such explanations as are necessary concerning any matter under examination; and
 - require any employee of the Council to produce cash stores or any other Council property under his control.
3. Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the authority, the Director concerned shall forthwith notify the ~~BD~~ **CX** who shall take such steps as are considered necessary by way of investigation.

D. INCOME

1. The collection of all money due to the Council shall be under the supervision of the ~~BD~~ **CX**.
2. Each Director shall furnish the ~~BD~~ **CX** promptly with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him/her to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
3. All invoices for income due to the Council shall be sent out by the ~~BD~~ **CX** except where otherwise agreed by him/her. All other billing systems introduced in other service units must be approved by the ~~BD~~ **CX** in advance of their purchase.

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4. The ~~BD~~ **CX** shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council and the ~~BD~~ **CX** shall have the right to inspect any documents or other evidence in this connection.
5. All receipts forms, books, orders, requisitions for orders, tickets and other such items shall be ordered and supplied to Directorates by the ~~BD~~ **CX**, who shall be satisfied as to the arrangements for their control.
6. Proposed systems involving receipting of income (including new tills/credit card transactions) shall be referred to the ~~BD~~ **CX** for approval in the first instance.
7. Officers will issue official receipts for all monies collected on behalf of the Council and shall without delay pay such monies to the ~~BD~~ **CX** or, as directed, to the Council's banking or National Giro account, or transmitted directly to any other body or entitled person.

No deduction shall be made from income collected and no expenditure financed from such income unless specifically authorised by the ~~BD~~ **CX**. However, establishments which receipt takings through the Haven receipting system may make refunds from takings to a limit of £30, provided that the refund is processed through the Haven till.

Each Officer who so banks money shall enter on the paying-in slip a reference to the related debt (such as the receipt number or the name of the debtor) and, to indicate the origin of the cheque, on the reverse of each cheque the Officer shall enter the name of his/her Directorate, Office or Establishment. Immediately on receipt all cheques and postal orders shall be crossed with the official stamp. In no case shall lodgement of cash be less frequent than weekly except by agreement with the ~~BD~~ **CX**.

8. Personal cheques shall not be cashed out of the money held on behalf of the Council.
9. Every transfer of official money from one member of staff to another will be evidenced in the records of the Directorates concerned by the signature of the receiving Officer or the issue of an official receipt.
10. Authority to write off debts to the Council of up to and including £1,500 as irrecoverable shall be delegated to the Director of the relevant service (in consultation where necessary with other Directors).
11. Authority to write off debts due to the Council of over £1,500 in any one case, shall be delegated to the Executive Committee.

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12. An annual review of income scales and charges should be undertaken by Directors, in consultation with the ~~BD~~**CX** each year.
13. Each Director shall notify the ~~BD~~**CX**'s Internal Audit Team as soon as possible of the impending resignation or retirement of any Officer under his/her control who has cash handling responsibilities.

E. BANKING ARRANGEMENTS AND CHEQUES

1. All arrangements with the Council's bankers shall be made by or under arrangements approved by the ~~BD~~**CX**, who shall be authorised to operate such banking accounts, including National Giro Accounts, as are considered necessary.
2. All cheques, including National Giro payment forms shall be ordered only on the authority of the ~~BD~~**CX**, who shall make proper arrangements for their safe custody.
3. Cheques on the Council's main banking accounts, including National Giro accounts, shall bear the facsimile signature of the ~~BD~~**CX** or be signed by the ~~BD~~**CX** or other Officer authorised to do so.
4. Cheques drawn above the value of £10,000 must bear two (2) authorised signatures.

F. CONTRACTS FOR BUILDING, CONSTRUCTIONAL OR ENGINEERING WORK

1. Where contracts provide for payment to be made by instalments, the ~~BD~~**CX** shall arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.
2. Payments to contractors on account of contracts shall be made only on a certificate issued by the Director (or private architect, engineer or consultant where engaged by the Council) as appropriate or by an Officer nominated by him/her in writing for the purpose.
3. Subject to the provisions of the contract in each case every extra or variation, shall unless otherwise evidenced to his/her satisfaction, be authorised in writing by the Director, (or private architect, engineer or consultant) as may be appropriate or an Officer nominated by him /her in writing for the purpose.

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4. The final certificate of completion of any contract shall not be issued until the appropriate Director has produced to the ~~BD~~ **CX** a detailed statement of account, and all relevant documents if required.
5. The ~~BD~~ **CX** shall, to the extent considered necessary, examine final accounts for contracts and shall be entitled to make all such enquiries and receive such information and explanations as may be required in order to be satisfied as to the accuracy of the accounts.
6. Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be the subject of consultation with the Legal Services Manager for consideration of the authority's legal liability and, where necessary, the ~~BD~~ **CX** for financial consideration before a settlement is reached by the appropriate Director.
7. Where completion of a contract is, in the opinion of the appropriate Director, unreasonably delayed, it shall be the duty of that Officer to take appropriate action in respect of any claim for liquidated damages and to report his/her action to the Executive Committee.
8. In any case where it is anticipated that the total cost of any work carried out under a contract will exceed by more than 10% the approved contract sum, a report detailing why costs have increased shall be submitted to the Executive Committee immediately.
9. Except after consultation with the Head of Legal, **Democratic and Property Services**, an Officer shall not authorise work to be commenced or goods supplied where such work or goods are to be the subject of a formal contract, entered into between the Council and the contractor, until the Head of Legal, **Democratic and Property Services** has advised such Officer that the contract has been signed by the contractor.

G. IMPREST ACCOUNTS / CHANGE FLOATS

1. The ~~BD~~ **CX** shall provide such imprest accounts as are considered appropriate for such Officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained in the imprest system.
2. No income received on behalf of the Council may be paid into an imprest account / change float but must be banked or paid to the authority as provided elsewhere in these regulations.

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3. Payments shall be limited to minor items of expenditure (limits to be set by the **BD CX**) as specified from time to time by the **BD CX** and to such other items as the **BD CX** may approve and shall be supported by a receipted voucher to the extent that the **BD CX** may require.
4. Services based within Council buildings with cashiering facilities available will not normally be considered appropriate by the **BD CX** to hold imprest accounts. In these locations petty cash and other expenses may be reimbursed out of income received by the cashier up to the predetermined limits set by the **BD CX** for general expenses and training expenses. Reimbursement will be subject to a relevant voucher being completed and authorised by a recognised signatory and supported by valid receipts where appropriate. Advances from petty cash will not normally be acceptable other than in exceptional circumstances which have been agreed with the **BD CX**.
5. An Officer responsible for an imprest account or change float shall, if so requested, give to the **BD CX** a certificate as to the state of his imprest advance.
6. On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest account or change float, an Officer shall repay to the **BD CX** the amount advanced to him/her.

H. INSURANCES

1. The **BD CX** shall effect all insurance cover and negotiate all claims in consultation with other Officers where necessary.
2. Directors shall give prompt notifications to the **BD CX** of all new risks, properties or vehicles which require to be insured and of any alterations effecting existing insurances. Where special events are being organised, the **BD CX** will require at least 5 working days notice to enable insurance cover to be obtained.
3. Directors shall forthwith notify the **BD CX** in writing of any loss, liability or damage or any event likely to lead to a claim, and inform the Police unless otherwise decided.
4. All employees of the Council (except where determined by the **BD CX**) shall be included in a suitable fidelity guarantee insurance.
5. The **BD CX** shall annually, or at such other period as may be considered necessary, review all insurances in conjunction with other Directors as appropriate.

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6. Directors shall consult the ~~BD~~**CX** and Head of Legal, *Democratic and Property* Services with respect to the terms of any indemnity which the Council is requested to give.

I. INVENTORIES

1. Inventories of all vehicles, moveable plant and machinery, rolling stock, furniture, fittings and equipment owned by the Council (other than stores) shall be kept by each Director in a form approved by the ~~BD~~**CX**. Items costing less than £200 may be excluded from the inventory after consultation between the appropriate Officer and the ~~BD~~**CX**.
2. Each Director shall be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly. All deficiencies shall be reported to the ~~BD~~**CX** as soon as the loss has been identified.
3. The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Director concerned.

J. STORES

1. The appropriate Director shall be responsible for the care and custody of stores in their Directorate, including regular stock taking on a continuous basis by persons other than the storekeepers, and for ensuring that stores are not held in excess of normal requirements. All stocks should be checked at least once a year and a signed certificate supporting the stores valuation at that date forwarded to the ~~BD~~**CX**.
2. Stores records shall be kept by the Director concerned in a form approved by the ~~BD~~**CX**.
3. The ~~BD~~**CX** shall be entitled to check stores and be supplied with such information relating to stores as he may require for the appropriate adjustments to stores ledgers.
4. Stores, equipment and other property (excluding land and buildings) deemed to be surplus to requirement by the relevant Director shall be disposed of by Competitive tender as provided for under Standing Order 46, subject to the following approval:

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- a) for goods valued at **£1,000 or less** at time of disposal, on the written approval of the Director, or nominated Service Officer, concerned;
- b) for items valued at **over £1,000** at the time of disposal, with the approval of the Executive Committee.

Items should be valued independently of the Officer(s) responsible for their disposal.

Where there is no interest in the goods or where the residual value is so low as to make advertising and tendering procedures uneconomic then with the agreement of the ~~BD~~ **CX** the Director concerned may offer them to staff via Noticeboards or other organisations if appropriate (i.e. voluntary sector).

N.B. For the purpose of this regulation “goods” means each individual item being disposed of or “goods” of one type.

K. BUDGET

1. The detailed form of capital and revenue estimates shall be determined by the ~~BD~~ **CX** consistently with the general directions of the Council and after consultation with the Corporate Management Team (CMT).
2. Estimates of income and expenditure on revenue account and capital account shall be prepared by each Director, in consultation with the ~~BD~~ **CX**, who shall collate the estimates and report on them to the Executive Committee, such report to include compliance with the financial plan(s) approved by the Council and other financial implications.
3. Upon the approval by the Council of a programme of capital expenditure, the Director concerned shall be authorised:-
 - (a) to take steps to enable land required for the purposes of the programme to be acquired in due time; and
 - (b) to prepare a scheme and estimate including associated revenue expenditure for approval, so long as it is within budget, by the Executive Committee, or otherwise further financial approvals need to be sought from the full Council.
4. Any proposal which would involve the incurring of expenditure during a period in respect of which the Council has approved a budget or a programme of capital expenditure shall be accompanied by a report of the Director concerned indicating the sufficiency or otherwise of the finance provision therefore in the budget and / or programme.

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5. Where it appears that the amount of any head of estimate of approved expenditure may be exceeded or the amount of any head of approved income may not be reached, it shall be the duty of the Director concerned after consultation with the **BD CX**, or of the **BD CX** as the case may require, to inform the Executive Committee.
6. The **BD CX** shall furnish each Directorate with periodical statement of receipts and payments under each head of approved estimate and such other relevant information which is available.
7. The **BD CX** shall provide such budget monitoring reports as the Executive Committee shall determine from time to time.
8. (The following new Regulation is subject to further consideration, re its practicality in application:)

In addition, authorised budget holders shall report to the Executive Committee once they achieve 90% spend at cost centre level, or as soon as 10% (or more) savings are identified (both Revenue and Capital budgets). Expenditure of the remainder of the budget will require the further authority of the Executive Committee.

L. VIREMENT

A scheme of virement (i.e. the transfer of some or all of one budget heading to another, leaving the total level of budgeted expenditure unaffected) shall operate in accordance with the ground rules approved by the Policy and Resources Committee on the 2nd of July 1997 and as set out in the Appendix to these Financial Regulations.

M. INVESTMENTS, BORROWING AND TRUST FUNDS

1. All investments of money under its controls shall be made in the name of the Council or in the name of nominees approved by the Executive Committee.
2. All securities the property of or in the name of the Council or its nominees and the title deeds of all property in its ownership shall be held in custody of the **BD CX**, HLD&P, or Council's bankers as appropriate.
3. All borrowings shall be effected in the name of the Council.
4. The **BD CX** shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council except where determined otherwise.

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5. All trust funds shall wherever possible be in the name of the Council.
6. All Officers acting as trustees by virtue of their official position shall deposit all securities, etc. relating to the trust with the ~~BD~~ **CX** / HLD&P, unless the deed provides otherwise.

N. ORDERS FOR WORK AND SERVICE

1. Official orders / purchase requests shall be in a form approved by the ~~BD~~ **CX** and HLD&P and will only be raised by the Payments Team, except in those circumstances as may be approved by the ~~BD~~**CX**. Official orders / purchase requests shall only be signed by Officers authorised to do so by the ~~BD~~ **CX** or relevant Director who shall be responsible for official orders issued from his/her Directorate(s).
2. Official orders shall be issued for all work, goods or services to be supplied to the Council except for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the ~~Borough Director~~ **Chief Executive** may approve. Telephone orders must be kept to a minimum and must always be supported by a written confirmation order.

Orders may be placed via the Internet, in the name of the Council, to individual suppliers only with the prior approval of the ~~Borough Director~~ **Chief Executive**. (The ~~Borough Director~~ **Chief Executive** will maintain a list of those suppliers with whom orders in the name of the Council may be placed via the internet.)

3. Each order shall conform with the directions of the Council with respect to central purchasing and the standardisation of supplies and materials.
4. Official Orders / purchase requests shall indicate clearly the nature and quantity of the materials, work or services required and any relevant contract or agreed price. Tenders / Quotations shall be obtained in accordance with Standing Order 46 and the terms of acceptance stated on the order.
5. Orders shall not be issued for goods or services unless expenditure is covered by approved annual or supplementary estimate or other special financial provision.

O. PAYMENT OF ACCOUNTS

1. Apart from petty cash and other payments from imprest accounts (see Financial Regulation G.3) the normal method of payment of money due from

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the Council shall be by cheque or other instrument drawn on the Council's banking account or National Giro account by the ~~BD~~**CX**.

2. The Director issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources in his Directorate(s). Such certification shall be in manuscript by or on behalf of the Director.

The names of Officers authorised to sign such records shall be sent to the ~~BD~~**CX** by each Director together with specimen signature and shall be amended on the occasion of any change.

3. The Director issuing an order shall be responsible for the examination, verification and certification of the relative invoices. Certification (save to the extent that the ~~BD~~**CX** may otherwise determine) shall be deemed to include:-
 - (a) that goods have been received, examined and approved as to the quality and quantity, or the work has been done satisfactorily;
 - (b) that the expenditure is within the estimate or is covered by special financial provisions and is in accordance with the Council's Standing Orders;
 - (c) that prices and expenditure code allocations are correct and all credits for discounts, adjustments, returns or packages have been claimed and taken into account and that VAT is correct and properly accounted for;
 - (d) that all calculations and additions are correct;
 - (e) that proper entries have been made in the inventories or stores records, where appropriate;
 - (f) that an account has not previously been certified for payment;
 - (g) that in the case of charges for gas, electricity and water, the meter readings are confirmed that any standing charges are correct, and that the consumption recorded is reasonable in the light of previous and present experience.
4. The Officer who certifies the invoices correct shall not normally be the person who has certified the receipt of the goods or the completion of the work concerned.

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5. Accounts for payment shall have entered on them the order number and such other references as may be necessary and shall be certified.
6. Every Director shall ensure sufficiently prompt payment of any account which is subject to either special agreement or other arrangements which entitle the Council to discounts or special prices conditioned by payment within specified time limits.
7. Duly certified accounts shall be passed without delay to the ~~BD~~ **CX** who shall examine them to the extent that is considered necessary, for which purpose that Officer shall be entitled to make such enquiries and to receive such information and explanation as may be required.
8. Any amendment to an account shall be made in ink and initialled by the Officer making it, stating briefly the reasons where they are not self-evident.
9. Each Director shall, as soon as possible after 31 March and not later than a date specified by the ~~BD~~ **CX** in each year, notify the ~~BD~~ **CX** of all outstanding expenditure relating to the previous financial year.

P. SALARIES, WAGES AND PENSIONS

1. The payment of all salaries, wages, overtime, compensation and other emoluments to all employees or former employees of the Council shall be made by the ~~BD~~ **CX** or under arrangements approved and controlled by that Officer.
2. The appropriate Director, shall notify the ~~BD~~ **CX** in writing and properly certified by an authorised Officer, as soon as possible and in the form prescribed by the ~~BD~~ **CX**, of all matters affecting the payment of such emoluments, and in particular:-
 - (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
 - (b) changes in remuneration, other than normal increments and pay awards and agreements of general applications;
 - (c) information necessary to maintain records of service for superannuation, income tax, national insurance and the like;
 - (d) details of hours worked, or amounts to be paid, to those employees not in receipt of a salary.

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3. Each Director shall notify the ~~BD~~ **CX** of absences from duty for sickness or other reason apart from approved leave, in the manner as specified from time to time.
4. Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishments, grades and rates of pay.
5. All pay documents shall be in a form prescribed or approved by the ~~BD~~ **CX** and shall be certified in manuscript by or on behalf of the Director. The names of Officers authorised to sign such records shall be sent to the ~~BD~~ **CX** by each Director together with specimen signature and shall be amended on the occasion of any change.
6. Timesheets for fortnightly paid employees shall be submitted, duly certified, in a form approved by the ~~BD~~ **CX**, by 12 noon on the Tuesday following the end of the relevant fortnightly period.
7. Timesheets and overtime claims submitted for payment, that relate to more than two pay periods, will only be paid on the specific approval of the ~~BD~~ **CX** on the recommendation of the relevant Director.

Q. SECURITY

1. Each Director is responsible for the accountability and control of staff and for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under his control. He/she shall consult the ~~BD~~ **CX** in any case where security is thought to be defective and where it is considered that special security arrangements may be needed.
2. Maximum limits for cash holdings shall be agreed with the ~~BD~~ **CX** and shall not be exceeded without express permission.
3. Keys to safes and similar receptacles must be held securely at all times with the relevant Director ensuring that a nominated Officer is identified as the responsible person for keys / security to establishments under his area of authority. In addition provision must be made by the appropriate Director to record movement of keys between Officers in a register. The loss of any such keys must be reported to the ~~BD~~ **CX** immediately.
4. The ~~BD~~ **CX** shall be responsible for maintaining proper security and privacy as respects information held in the computer installation and for its use.
5. All Directors shall be responsible for maintaining proper security and privacy in respect of personal data held on equipment operating automatically and

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shall report any changes that effect such information to the Data Protection Officer, in accordance with the principles embodied in the Data Protection Act 1998 (and successor legislation).

R. TRAVELLING, SUBSISTENCE AND FINANCIAL LOSS ALLOWANCES

1. All Officers' claims for payment of car allowances, subsistence allowances, travelling, training, attendance allowances, and incidental expenses shall be submitted, duly certified in a form approved by the **BD CX** by 12 noon on the fourth working day of the following month. The name of Officers authorised to sign such records shall be sent to the **BD CX** by each Director together with specimen signature and shall be amended on the occasion of any change.
2. Payments to Members who are entitled to claim travelling or other allowances will be made by the **BD CX** upon receipt of the prescribed form duly completed.
3. The certification by or on behalf of the Director shall be taken to mean that the certifying Officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
4. Claims submitted that relate to more than 2 months previously will only be paid on the specific approval of the **BD CX** on the personal recommendation of the appropriate Director.

S. PROPERTY

1. The Head of Property Management (~~HPM~~) **Property Services Manager (MPS)** will maintain a terrier of all properties owned by the Council (except dwellings provided under the Housing Acts) recording the, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
2. The HLD&P shall have the custody of all title deeds.

T. PROTECTION OF PRIVATE PROPERTY FOUND IN ABANDONED DWELLINGS

1. The appropriate Director shall notify the **BD CX** in such form as may be required of any case known where steps are necessary to prevent or mitigate loss or damage of movable property and shall forward to the **BD CX** an itemised inventory in each case prepared in the presence of two Officers.

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2. All valuables such as jewellery, watches and other small articles of similar nature and documents of title shall, unless in any case otherwise decided by the **BD CX**, be deposited with that Officer for safe custody.

U. USE OF RUBBER STAMP OR OTHER FACSIMILE SIGNATURES

Any document of a financial nature must be signed in manuscript by the appropriate Officer in his own name. Rubber stamp or other facsimile signatures should not be used except with the prior approval of the **BD CX**. In no circumstances should facsimile signatures be used other than under the immediate control of Director concerned and then only if the signature is initialled by the Officer concerned.

V. THEFT AND BURGLARY

Directors shall notify the **BD CX** and the Police of all cases of suspected theft or burglary or other financial irregularity arising in their Directorate.

Note:

Customary Officer Title abbreviations have been used in this document as follows:

BD CX – Borough Director ***Chef Executive***

HFR&B – Head of Financial, ***Revenues and Benefits*** Services

HLD&P – Head of Legal, ***Democratic and Property*** Services

MPS – Head of Property Management ***Services Manager***

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APPENDIX 1 (to Financial Regulations)

THE SCHEME OF VIREMENT

The Scheme of Virement shall operate as set out below, with any variations being specified by the Corporate Management Team as and when necessary.

The Scheme shall operate from the 15th of May 2002 until further notice and replaces all previous schemes.

Provisions of the Scheme

1. Virement is defined as the transfer of some or all of one revenue budget heading to another (see 5 below), leaving the total level of budgeted expenditure unaffected.
2. Virement may take place either within Directorates, or between Directorates, subject to the following approvals:-
 - (a) Virement within a Directorate must have the approval of the relevant Director;
 - (b) virement between Directorates must be agreed by the Corporate Management Team;
 - (c) virement between the General Fund and the Housing Revenue Account is not allowed as effectively both funds are ring-fenced.
3. Virement may not take place if it involves any of the following:-
 - (a) "Central" items
 - capital financing costs
 - insurances
 - OMS and recharges
 - VAT.
 - (b) "Corporate" items
 - financing transactions
 - contingencies
 - Revenue Support Grant

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- Housing Subsidy
- other Government grants.

All other budget heads are included within the scheme.

5. Virement must take place at the lowest budget level held on the Financial Management System (FMS).
6. All approved items for virement must be notified to the ~~BD~~ **CX** on a numbered Virement Notification Form, the format of which may be amended from time to time. Virement will not be deemed to have taken place until the Virement Notification Form is received by the ~~BD~~**CX's** Finance Officers and the relevant budgets amended.
7. Virements in excess of £1,000 must be approved by the Executive Committee, prior to the virement taking place.
8. Virement may not take place where excess resources are a result of policy changes of the Council or statutory changes imposed by legislation. Such resources shall be referred to the Council for subsequent allocation.
9. Any proposal for virement must fully identify the revenue effects in this year and any future year. Virement shall not be used as a mechanism to build in increases in the base budgets of the Council in any year.
10. Any proposal for virement resulting in spending on new initiatives shall be strictly in accordance with the Council's policy objectives.
11. The effects of virement shall be reflected in the revised estimates and reported to the Council, via the Executive Committee, during the budget setting process. The ~~BD~~ **CX** shall be responsible for such reporting, in consultation with relevant Directors.

Where Officers are unsure about how to apply the provisions of the Scheme, any proposals for virement must be referred to the ~~BD~~ **CX's** Finance Officers.

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Scheme of Delegation to Officers

REDDITCH BOROUGH COUNCIL

SCHEME OF DELEGATION TO OFFICERS

(To be approved by the Council on 22 June 2009)

(Differences from the August 2008 version remain highlighted for reference)

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Scheme of Delegation to Officers

General Notes

- 1). Any reference to specific legislation, or statutory provisions in the attached Scheme of Delegation shall be automatically deemed to refer to any relevant aspects of any successive legislation or statutory provisions, pending formal updating.
- 2). Reference to specific Officers in the attached Scheme of Delegation shall be automatically deemed to refer to any successor Officer(s) who is/are charged with the same responsibilities, following any future reorganisation, save that, for the sake of clarity and proper control, in the case of any future ambiguity about who shall exercise a particular delegation of authority, the delegation shall refer to the higher ranking Officer(s).
- 3) In the attached scheme, delegations of authority marked (C) are derived from the Council. All others are derived from the Executive Committee.

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Scheme of Delegation to Officers

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Scheme of Delegation to Officers

A. GENERAL DELEGATIONS

1. Budgetary Control

The Council's Directors (Dir's) are empowered to incur normal revenue expenditure, in accordance with Financial Regulations and within the terms of budgets as set by the Council. They shall be authorised to approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Standing Orders has been submitted to and approved by the Executive Committee.

To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report (Dir's / HoS).

In setting Fees and Charges, as a general principle, to round up or down to the nearest practical amount, any of the proposed fees and charges which it is felt would cause administrative difficulties (Dir's / HoS).

2. Employees

Directors shall control and manage their own Directorates. Within the terms of the Council's agreed policies and employment objectives, Directors, or their nominated Manager(s), shall have authority to deal with the following matters without reference to Committee:-

- a) To engage employees within budget provision / establishment. (Dir's)
- b) To deal with the recruitment, suspension, and dismissal of employees in accordance with agreed procedures (Dir's).
- c) Subject to negotiation with employees and/or their representatives, to vary the conditions of service, salaries and hourly rates (including the level of bonus payments) where in their judgement such variations are in the interest of the service, where the terms of employment permit this. In exercising this authority, Directors shall observe national agreements and shall not depart from individual terms and contracts of employment.
- d) Subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Service Reviews, as necessary, and implement outcomes.

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- e) To provide an overview of training activities for the Council and, in accordance with the Council's stated requirements, direct provision of training via in-house and external resources. (Human Resources)
- f) To settle claims of up to £150 for damage to and/or loss of employee's clothing and personal property. (HoS)

3. Tenders & Contracts

To invite tenders for contracts from the approved list in the case of selective tendering where provision had been made for those items within the revenue budget and capital budget. (Dir's and HoS)

Subject to Standing Orders, to engage the services of consultants operating within their own sphere of professional competence. (Dir's and HoS)

(However, in instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly. If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)

There are further delegations which can be exercised by various Officers under the Contract Standing Order (46).

4. Service Managers (4th Tier and below)

In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.

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Scheme of Delegation to Officers

B. ALL DIRECTORATES - MISCELLANEOUS

The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.
(CX or, in his absence, **DCX**).

To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.
(CX, in consultation with Group Leaders and MO)

In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)
(Designated Duty Officer **DCX**)

In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive (DCX or other CX Nominee **DCX**).

In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in those circumstances where statute debars such action.
(CX / designated Duty Officer **DCX**).

To serve requisitions for information as to ownership of property.
(All Dir's / HPS, or in their absence HLD&P / HP&BC / MBC / HE / MEH).

To seek Planning Permission on behalf of the Council.
(Dir's and MPS / HA&M, subject to prior consultation with relevant Ward Members)

To seek Building Regulation Consent, on behalf of the Council, for carrying out development (Dir's / HA&M)

To apply for Licences, on behalf of the Council (Dir's / Officers authorised by Dir's)

To respond to Petitions, subject to apprising Ward Members, and other relevant, Councillors (Portfolio Holders / Chairs / Champions) of their receipt, and subsequent report to Council meetings as/if appropriate
(Dir's / relevant 3rd and 4th Tier Officers) (Council 22.11.04)

To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies (Dir's).

Other than as detailed elsewhere in this Scheme of Delegations to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation (All Dir's)

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Scheme of Delegation to Officers

Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description. In other cases, please see Form of Authorisation at Appendix 1.

Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line managers, except where such exercise is not permitted in law or subject to other qualification.

(Some powers may only be exercised by a specific type of Officer).

Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.

To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.

(Officers, in consultation with the relevant Portfolio Holder) (C - 23.5.05)

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Scheme of Delegation to Officers

C. DELEGATION BY DIRECTORATE

CHIEF EXECUTIVE'S DIRECTORATE

Chief Executive

[See other sections re "General Delegations" and service-specific delegations]

~~To fulfil the duties of Returning Officer and Electoral Registration Officer in accordance with statute (CX / MDS) (C)~~

To identify and notify the National Care Standards Commission of the "Responsible Individual" for the purposes of the Care Standards Act 2000 (CX)(C).

To put in place arrangements to facilitate so far as possible the taking of such action out of normal office hours (to include the provision of funding for emergency standby and callout) (CX) (Council – 22.11.04)

To pursue legal proceedings (whether by possession action, injunction or otherwise) to recover possession of Council-owned land occupied without consent, or to secure the removal from other land (not in the Council's ownership) of a person or persons (and his/her/their possessions, including motor or other vehicles) occupying such land without, or in contravention of, any authority or consent (statutory or otherwise), or to prevent or stop any activity in contravention of legislation which it is the responsibility of the Council to administer or enforce.
(CX, or in his/her absence the Duty Officer **[DCX]**, or in his/her absence a Director)

To agree the flying of the St. George's Flag on significant occasions when an English National Team is competing, these to include a specified list of major sporting fixtures comprising the World Cups of football, rugby and cricket (the Union Flag to be flown in respect of the Olympic Games); and any occasional exceptions to the Council's approved Policy which may be triggered by unforeseen circumstances. (Executive Committee 11.6.8 and Council 30.6.8)
(CX, in consultation with the Portfolio Holder Corporate Management)

Deputy Chief Executive

To fulfil the duties of Returning Officer and Electoral Registration Officer in accordance with statute (DCX / MDS) (C)

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

Legal, Democratic & Property Services Team

Legal Services

(See also delegations contained under other Directorates)

To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive and the Head of Legal Services consider that such action is necessary to protect the Council's interests (Constitution – Article 14.03)
(CX and HLD&P and MLS).

To sign any document necessary to any legal procedure or proceedings on behalf of the Council (Constitution – Article 14.04).
(CX or HLD&P or MLS or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person)

To sign any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function or made under the common seal of the Council attested and duly attested (Constitution – Article 14.04).
(CX or HLD&P or MLS)

To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions are found, including those of a grammatical and typographical nature (HLD&P / MDS).

To make Affidavits, Declarations, Statements of Truth and such other statements as may be required in connection with legal and other proceedings on behalf of the Council (HLD&P / MLS, or their nominees duly authorised by them in writing).

To grant authorisations under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance provided that:-

- (a) no person below the designation of "Service Manager" (= 4th tier) shall be permitted to authorise covert surveillance in urgent situations; and
- (b) a separate authorisation shall be required for each act of covert surveillance on a case by case basis.
(HLD&P, and her/his nominees, duly authorised by her/him in writing to be designated persons for the purposes of the RIPA (Prescription of Offices, Rank and Positions) Order 2000).

To authorise surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA) and in accordance with the policy reported to Executive Committee on 25 February 2004. (HLD&P / Designated Officers)

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA (HLD&P)

To conduct prosecutions of offences under the Prohibition of Drinking in Designated Places Byelaw (MLS).

To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 (HLD&P, or nominee(s)).

To provide, on behalf of the Council, legal advice and to take all necessary action, including the institution and defending of proceedings in the courts and other tribunals (MLS).

To make and to accept repayments and to authorise transfer of house purchase advances. (MLS, in consultation with CX).

To institute proceedings for possession following mortgage default (but no warrant of eviction to be issued without Executive Committee sanction). (MLS, in consultation with CX) .

To institute proceedings to seek an Order under the Access to Neighbouring Land Act 1992, where such proceedings are required urgently. (HLD&P or MLS, in consultation with relevant Portfolio Holder). (Council – 13.06.05)

To affix the Common Seal when necessary in connection with any items delegated to Officers (CX / HLD&P / MLS / Mayor or, in his/her absence, the Deputy Mayor) (C).

To take enforcement action, including the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority.

(HLD&P, in consultation with HP&BC)

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

Democratic Services - General

To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions are found, including those of a grammatical and typographical nature (HLD&P / MDS).

To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the Council.
(CX, in consultation with the Portfolio Holder Corporate Management) (C)

To accept nominations and fill vacancies which arise in the Council's Committee membership (CX, in consultation with Group Leaders) (C)

To appoint Officer representatives to outside bodies (CX)(C)

To fill vacancies on outside bodies where there is no contest for places.
(CX, in consultation with Group Leaders)(C)

To confirm nominations of Council representatives to outside bodies when any issues of liability have been satisfactorily resolved (MDS) (C)

To undertake the Independent Member selection process for the Standards Committee, in consultation with an elected Member Appointment Panel.
(HLDS / MDS)

To appoint additional, appropriately qualified, independent representatives to maintain a balanced working Independent Remuneration Panel of five members – such appointments to be subject to formal review at each Annual Meeting of the Council.
(MDS) (C – 29.01.07)

To keep, maintain, and operate the Scheme of Allowances to Members.
(MDS) (C)

To determine applications for non-commercial organisations to use the Borough Crest or Logo (MDS).

To set the annual Calendar of Meetings, provided that agreed existing patterns and frequency of meetings are followed.
(MDS, in consultation with relevant Chairs)

Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.
(MDS, in consultation with relevant Members)

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Scheme of Delegation to Officers

To agree expenditure in relation to town-twinning events, based on the principle of equitable sharing of available funds over time between the Borough's link towns, but with variation permitted to deal with exceptional events / activity. (MDS)(E)

To issue forms of indemnity (to be agreed by CX) and to arrange insurance of any of the Council's Members or Officers in relation to work in connection with Outside Bodies (whether by attending meetings or otherwise) where it is lawful to do so. (CX) (Standards Committee – 02.02.05)

To agree indemnities, issue forms of indemnity and arrange insurance of any of the Council's Members and Officers in other circumstances where it is lawful to do so. (CX) (Standards Committee – 02.02.05)

To approve expenditure from Overview & Scrutiny Budgets, to assist with scrutiny reviews. (MDS, in consultation with Chair of Overview & Scrutiny Committee)

Democratic Services – Civic Suite Hire

To set charges in respect of the Civic Suite and to vary fees and charges set by the Council, in response to commercial considerations, in the light of experience of the new charges. (MDS, in consultation with Portfolio Holder). (C)

Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite. (MDS).

To agree requests for concessionary use of the Civic Suite. (MDS, in consultation with relevant Portfolio Holder)

Democratic Services – Land & Property

To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions. (MDS)

To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose (MDS).

Democratic Services - Street Naming & Numbering

Street / Property naming, in accordance with Council-approved Policy and list of candidate names. (MDS, in consultation with Ward and other relevant Members / Portfolio Holder)

To prescribe street numbers and renumber premises where necessary. (MDS)

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

Property Services - Estates & Valuation

(See also Planning Permission under General Delegations above.)

Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.
(MPS) (Council – 22.11.04)

To conduct and conclude negotiations for the acquisition, of any interest in land and property where budget approvals have been granted, agreeing the consideration, and where necessary the services of the District Valuer or Agents.
(MPS, in consultation with appropriate-Director) (Council – 22.11.04)

The acceptance of an offer when a sale is effected by auction.
(MPS / MLS) (Council – 22.11.04)

To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties. (MPS) (Council – 22.11.04)

Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.
(MPS / MLS)

To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.
(MPS / MLS) (Council 22.11.04)

To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.
(MPS / MLS) (Council 22.11.04)

The assignment or sub-letting of leased properties, subject to appropriate satisfactory references. (MPS / MLS). (Council 22.11.04)

To serve Rent Review Notices and agree new rents where proposal is to review rent to market value (MPS). (Council 22.11.04)

To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested. (MPS) (Council 22.11.04)

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

To institute proceedings to forfeit business leases and licences for non-payment of rent if the tenant is two or more consecutive quarterly payments in arrears, or an annual rent remains unpaid for more than 6 months, and to proceed with obtaining possession of the premises / land without further reference to the Executive Committee;(but no warrant of eviction to be issued without consultation with the Chair of the Executive Committee). (MPS / MLS) (Council – 22.11.04)

To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate. (MPS / MLS). (Council - 22.11.04)

To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by HLD&P / MPS to include that vacant possession be granted to Council on determination of the lease. (MPS)

To negotiate delays in exercising the redevelopment clause within a commercial lease for units in the Council's District Centres in appropriate cases. (MPS / MLS) (Council – 27.10.08)

Property Services - Minor Land * Sales

(Defined as any land and/or building of less than half an acre where the value is £10,000 or less, plus VAT / fees, but excluding land previously designated as a play area, unless it has specifically been declared surplus, by the Executive Committee in accordance with the report to that Committee of 8th October 2003.)*

To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices). (MPS / MLS)

To approve the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council. (MPS / MLS)

To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers. (MPS / MLS)

Property Services - Right to Buy

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Scheme of Delegation to Officers

To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate.
(MPS).

To serve notices in association with the Right to Buy Scheme:
(MPS / MLS)

To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with the policy adopted by the Council on the 12th of December 2005.
(MPS) (Council - Minute 100(2) refers)

To refuse (but not to agree) to waive the Council's entitlement to repayment of discount. (MPS)

To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004. (MPS)

Property Services - Business Centres / Enterprise Centres

To manage and control the centres and all lettings and licences, to include the annual review of rents and service charges as appropriate and the setting of fees for secretarial services (provided the variation in fees/ rents shall be limited to plus or minus 10% of the current year rent / fees unless first approved by the Executive Committee. (MPS)

To offer rent-free periods as an incentive at the start of a new letting, as necessary.
(MPS)

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Scheme of Delegation to Officers

Finance, Revenues & Benefits Services Team

Financial Services

Granting of Housing Benefit and Council Tax Benefit in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to the Appeals Service (of the Department of Works and Pensions). (HFR&B)

To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest (CX).

To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11 February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988. (HFR&B)

To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988 (CX).

To administer formal cautions for offences under the Social Security Administration Act 1992. (HFR&B or MLS, as the cautioning Officer).

To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the "Benefits Services - Discretionary Housing Payments" report presented to the Corporate Services Committee on 26 September 2001 (Benefits Officers).

To seal Stock Exchange Transactions (CX).

To invest balances, other and special funds (CX).

To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers. (CX).

Issue of all legal processes, including applications for committal in respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal (CX).

To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute (HFR&B).

To borrow money (CX).

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Scheme of Delegation to Officers

To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988. (HFR&B)

To collect and recover all debts, except housing rents. (HFR&B)

To commence insolvency procedures, both against individuals and companies (HFR&B / MLS).

To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged. (HFR&B / HH&C)

To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings (HFR&B / HH&C).

To write off the balance of all outstanding debts, in cases where an Administration Order has been made without prior Executive Committee approval (HFR&B / HH&C).

To take on the accounting duties of the accountable body of the Sure Start Programme. (HFR&B / Finance Team, with assistance from the Sure Start Finance and Evaluation Officer).

To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval. (Bankruptcy and Liquidation) (CX).

To write off debts due to the Council of up to and including £999.99 as irrecoverable. (CX, or in his absence HFR&B, in consultation with other relevant Directors.)

To appoint a Deputy Money Laundering Officer to Act in their absence (HFR&B)(Council – 29.01.07)

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Scheme of Delegation to Officers

ENVIRONMENT & PLANNING DIRECTORATE

Environment Team

Environmental Health

To approve or grant but not to disapprove or refuse, applications for registration and licences of a Public Health nature (and not otherwise specifically mentioned) (DEP / HEHL).

To issue notices and carry out works in default under:-

- a) Prevention of Damage by Pests Act 1949 (DEP / HEHL /EHO's).
- b) The Factories Act 1961 (DEP / HEHL / SEHO's).

The issue of licences and registration:-

- a) Under Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964 and 1970 and Breeding of Dogs Act 1973 (DEP / HEHL / EHO's).
- b) For the sale of milk and the issue of licences and the registration for the production of milk under the Milk and Dairies Regulations (DEP / HEHL / EHO's).
- c) Registration of premises as appropriate under Sections 14 and 15 and power of entry under Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

To grant licences for the display of birds of prey on land owned or administered by the Council. (HEHL) (Council – 22.11.04)

Power of entry under Section 17 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

To exercise the powers of entry, inspection and enforcement as required under the provisions of the Licensing Act 2003 and regulations made thereunder. (DEP, HEHL, SEHO, AEHO, EHO,EHT and TLO) (Council – 22.11.04)

To serve notices and undertake works in connection with buildings not effectively secured against unauthorised entry or likely to become a danger to health, under the

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Scheme of Delegation to Officers

provisions of Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (DEP / HEHL / EHO's).

To approve, or refuse, applications for prior approval and chimney heights under the Clean Air Act 1993 (DEP / HEHL / SEHO's).

To issue notices under the Public Health Acts 1936 - 1969. Authority to carry out work under Section 17 of the Public Health Act 1961 as amended (DEP / HEHL / EHO's).

To carry out inspections and serve notices, as appropriate, under the provisions of the Health Act 2006 (EH Enforcement Officers/EHO's/EHT's)

To act as Authorised Officers (except as specified in 12 above) under the Noise and Statutory Nuisance Act 1993 and the Control of Pollution Act 1974 (DEP / HEHL / EHO's / PCO and EH Technical Assistants).

To issue Notices under Sections 58A and 60 and to issue Consents under Section 61 of the Control of Pollution Act 1974 (DEP / HEHL / EHO's / PCO).

To undertake action in default under Section 59B of the Control of Pollution Act 1974 (DEP / HEHL / SEHO's).

Registration of premises and powers of entry under the Scrap Metal Dealers Act 1964 (DEP / HEHL / EHO's).

To issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (DEP / EH / EHO's).

To carry out Council's functions under the Slaughter of Poultry Act 1967. (DEP / HEHL).

Health and Safety at Work Etc. Act 1974:-

- a) Section 20 Power of Inspectors - entry, investigation, question, sampling, testing, seizure etc. (DEP / HEHL / EHO's / EH Technicians).
- b) Section 21 Service of Improvement Notice (DEP / HEHL / EHO's).
- c) Section 22 Prohibition Notice (DEP / HEHL).
- d) Power to deal with cause of imminent danger (DEP / HEHL / EHO's).
- e) Formal cautions (HEHL / EHO's).
- f) Prosecutions (HLS).

Power of entry and to issue licences under Dangerous Wild Animals Act 1976. (DEP / HEHL).

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Scheme of Delegation to Officers

To carry out the Council's functions in relation to the prevention of infectious diseases and food poisoning under the Public Health (Control of Diseases) Act 1984 (DEP / HEHL / EHO's, in conjunction with the Consultant for the Control of Communicable Diseases)

To exercise any and all powers and duties granted to the Council by regulations, Orders and statutory instruments enacted pursuant to any provisions of the Acts (Food Safety Act 1990 and European Communities Act 1972) (HEHL, SEHO, AEHO, EHO, FSO)*

(The relevant Officer is authorised to enforce regulations (as amended) made under the European Communities Act 1972 and for which the Council is the appropriate enforcing authority, including but not limited to the following Regulations:

- *The Products of Animal Origin (Import and export) Regulations 1996;*
- *The Meat (Enhanced Enforcement Powers) regulations 2000;*
- *The Products of Animal origin (Third Country Imports) (England) Regulations 2006*
- *The Food Hygiene (England) Regulations 2006.*

To exercise the Council's powers under the Food Hygiene (England) Regulations 2006 including the service of notices, procurement of samples, powers of entry and enforcement procedures. (DEP/HEHL/SEHO/EHO)

To exercise the Council's powers under the General Food Regulations 2004. (DEP/HEHL/SEHO/EHO)

To act as the Proper Officer of the Council under Section 101 of the Local Government Act 1972 and the Public Health (Control of Diseases) Act 1984 (Consultant for Control of Communicable Diseases and any medical practitioner he/she appoints to deputise as Proper Officer),

To carry out the Council's functions in respect of the Licensing Act 1964. (DEP / HEHL / EHO's, in conjunction with HLS).

Environmental Protection Act 1990

- a) To carry out the Council's functions relating to the pollution of air, water and land, the control of noise and other statutory nuisances under the Clean Air Acts, the Control of Pollution Act 1974 and the Environmental Protection Act 1990 except as specified in b) to e) below) (DEP / HEHL / EHO's).

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Scheme of Delegation to Officers

- b) To serve abatement and prohibition notices in respect of statutory nuisances and take default action in respect of noise nuisance.
(DEP /HEHL /all-EHO's and PCO).
- c) To take default action in respect of abatement and prohibition notices served under the Environmental Protection Act 1990. (DEP /HEHL / EHO's).
- d) To exercise the powers of Authorised Officers for the purposes of the legislation listed in a) above and obtain warrants *of* entry from a Justice of the Peace for the purposes of that legislation.
(DEP / HEHL /all EHO's/PCO/EH Technical Assistants).
- e) To institute legal proceedings under Part III of the Environmental Protection Act 1990, the Clean Air Act 1993 and the Control of Pollution Act 1974.
(DEP/HEHL / HLS).
- f) To exercise powers under Schedule 4 of the Environmental Protection Act 1990 (DEP, and his nominees duly authorised in writing).
- g) To administer formal cautions. (DEP / HEHL / EHO's)

To carry out the Council's functions under the Sunday Trading Act 1994.
(DEP / HEHL / EHO / EH Technicians)

To carry out the duties entailed in the Council's Dog and Pest Control Service.
(DEP / HEHL / EHO).

To carry out the Council's functions under the Slaughterhouse Act 1974.
(DEP/HEHL/ EHO's).

Local Government (Miscellaneous Provisions) Act 1976 Section 8, power to ensure safety of unoccupied houses. Section 20, to serve notices requiring the provision of sanitary appliances at places of entertainment. Section 35, power to serve notices requiring removal of obstructions from private sewers. To do works in default and recover expenses (DEP /HEHL / EHO's).

To carry out the Council's functions under the Animal Health and Welfare Act 1984 and the Animal Welfare Act 2006. (DEP/HEHL).

To serve notices under the Building Act 1984 and authority to carry out work arising from notices served under Sections 59, 60, 64, 68, 70, 72 (1) (a), 72, 76, and 84 (DEP/HEHL/ EHO's) and 79 (DEP/HEHL in consultation with CX).

To reduce the minimum 28 day notification period before any employer can carry out work under Regulation 6 of the Control of Asbestos at Work Regulations 1987 if the

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Scheme of Delegation to Officers

DEP is satisfied that a reduction in the notification period will not prejudice health and safety (DEP/HEHL).

To assign or transfer enforcement responsibility in respect of any particular premises to the Health and Safety Executive and to accept the assignation or transfer of responsibility from the Health and Safety Executive for any premises under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989 (DEP / HEHL).

To be the Lead Officer and to take action on matters relating to the Caravan Sites Act 1968. (HEHL)

- a) To carry out the functions of the Council under the Environmental Protection Act 1990 Part 1 (Air Pollution) except for the refusal or revocation of an authorisation Part III (Statutory Nuisances and Clean Air), Part VI (genetically modified organisms) and Part VIII (miscellaneous) (DEP/HEHL).
- b) To authorise commercial confidentiality of information made under Section 22 of the Environmental Protection Act 1990.
(DEP/HEHL in consultation with the Chair).

To exercise the powers of entry, inspection and investigation by Authorised Officers as specified in any legislation the enforcement of which is delegated to Director of Environment & Planning-(HEHL / EHO's / EH Technical Assistants and Technicians).

To carry out the Council's functions under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992 (DEP / HEHL / EHO's).

To enforce Part III of the Environmental Protection Act 1985 in respect of pesticides safety as amended by the Pesticides (Fees and Enforcements) Act 1989 (DEP/HEHL).

To authorise the exercise of local authority powers under the Criminal Justice and Public Order Act 1994 relating to occupation of land and premises by trespassers / travellers etc.(Relevant Director / DEP / EHO's , and Technicians /HLS)

To authorise the institution of civil legal proceedings for possession of land and premises owned by the Council occupied by trespassers/travellers without permission and further legal proceedings for their eviction from such land and premises. (DEP / HEHL / HLS in consultation with relevant Director)

In connection with the construction of bunding to prevent a potential incursion by travellers, or the removal of bunding already constructed for such purpose, the Director of Environment and Planning shall, before taking any action, consult with Ward Members and residents in the vicinity likely to be affected by an incursion of travellers. The decision whether or not to construct or remove bunding shall be delegated to the Director of Environment and Planning in consultation with the relevant Ward Members. (DEP, in consultation with relevant Ward Members)

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Scheme of Delegation to Officers

Home Energy Conservation Act 1996. Authorisation to prepare, publish and submit to the Secretary of State the Council's Home Energy Conservation Reports.
(DEP / HEHL)

To issue fixed penalty notices under section 4 of the Dogs (Fouling of Land) Act 1996.
(HEHL, and nominees duly authorised by him in writing)

To issue fixed penalty notices under Section 88 of the Environmental Protection Act 1990. (DEP in consultation with HLS and their nominees, duly authorised in writing)

To institute legal proceedings under Section 87 of the Environmental Protection Act 1990 (DEP)

To Administer formal cautions as an alternative to the above (DEP)

To serve street litter control notices under section 93 of the Environmental Protection Act 1990 (DEP).

To carry out preparatory work in relation to designating an area as a Litter Control Area (DEP).

To serve litter abatement notices under Section 92 of the Environmental Protection Act 1990 (DEP).

To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005 as outlined in Appendix A1 to the report to Executive Committee of 21 February 2007 (HES/HEHL, in consultation with HLS) (Council – 12.03.07);

To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978 (HES/HEHL, in consultation with HLS);

To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.
(HES/HEHL, or their nominees, in consultation with HLS);

To approve and refuse grant applications for house renovation grants, common parts grants, houses in multiple occupation, grants for providing facilities for persons with a disability and reinstatement grants, where mandatory (DEP / HEHL)

To authorise and to grant Home repairs assistance grants in cases where the applicants are clients of the Care and Repair Agency (DEP / HEHL)

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To approve and pay Home Assistance grants up to the budget provided, in accordance with approved scheme (DEP / HEHL / EHO's)

To cancel grants where the work has not been completed within 12 months of date of approval (DEP / HEHL)

To authorise grant extensions in extenuating circumstances where eligible work has not been completed within 12 months of grant approval being given (DEP / HEHL)

To issue notices under the Housing Act 1985 Sections 189, 190, 190 (1a and b) and (b), and 1A (a and b) and to carry out works arising from such notices.
(DEP / HEHL / EHO's)

To issue notices or orders applying management code and for the provision of amenities repairs, the abatement of overcrowding in houses in multiple occupation and the provision of means of escape in case of fire under the Housing Act 1985.
(DEP / HEHL / EHO's)

To consider and decide on the most appropriate course of action in relation to Repairs Notices and Deferred Action Notices for vacant or rented accommodation.
(DEP / HEHL / EHO's).

To serve "minded to" notices under the Housing (Fitness Enforcement Proceedings) Order 1996 (DEP / HEHL / EHO's).

To serve Deferred Action Notices under the Housing Grants, Construction and Regeneration Act 1996. (DEP/HEHL/EHO's)

To refer any other course of action under 9, 10, 11 and 12 above to the Executive Committee. (DEP / HEHL / EHO's)

To serve works notices under the provisions of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997. (DEP / HEHL AND EHO's)

To take Emergency action on owner-occupied property for Repair Notices, Deferred Action Notices, Closing Orders, Demolition Orders or group repair proposals.
(DEP, in consultation with members of the Executive Committee)

To exercise the powers of authorised Officers in respect of entry, inspection and investigation in relation to housing condition as specified in any legislation the enforcement of which is delegated to the Director of Environment and Planning Services (DEP / HEHL / EHO's / EH Technical Assistants / EH Technicians).

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Scheme of Delegation to Officers

To authorise Officers to act under the provisions of the Housing Act 2004 and to authorise Officers to issue and refuse licences, as appropriate.
(HEHL, in conjunction with the relevant Portfolio Holder) (Council – 18.09.06).

Environmental Health – Licensing

General Licensing – Premises / Personal, etc.

The day-to-day management of the General Licensing Service. (HE)

To process and issue, Premises and Personal Licences, and Temporary Event Notices (TEN's), in accordance with relevant statutory provisions of the Licensing Act 2003, and relevant Guidance. (HE)

To issue licences under the Licensing Act 2003, when preconditions required by the relevant authorities have been met. (HE)

To determine what constitutes “compelling circumstances” and “relevant, vexatious, frivolous or repetitious representations” in relation to reviews of premises licences. (HE, or HLS, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)(C - 13/3/6)

Licensing - Gambling Act 2005

To process and issue, where no representations have been received or representations have been withdrawn, applications, variations and transfers of a Premises Licence in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO).

To process and issue, where no representations have been received or representations have been withdrawn, applications for a Provisional Statement for a Premises Licence in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO).

To process and issue applications for permits and registrations in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO)

To process any cancellation of licensed premises gaming machine permits.
(HE / MEH / MLic / LO)

To process and issue temporary use notices / occasional use permissions in accordance with any relevant statutory provisions of the Gambling Act 2005, and relevant Guidance. (HE / MEH / MLic / LO)

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Scheme of Delegation to Officers

To authorise prosecutions for offences under the Gambling Act 2005.
(HLD& P, in consultation with HE)

Licensing - Miscellaneous

To issue licences or permits under the House to House Collections Act 1939, Police Factors etc. (Miscellaneous Provisions) Act 1916 (as amended) (Street Collection).
(HE / MEH / MLic / LO)

Licensing - Taxis

To grant Hackney Carriage and Private Hire Drivers' Licences:

- a) in respect of an initial application, if the ordinary driving licence contains no more than 6 current penalty points and the application has not been previously refused by the Licensing Committee.
- b) in respect of a renewal application, if ordinary driving licence contains no more than 6 current penalty points and the application has not been previously refused by the Licensing Committee.

(DEP / HE / MEH / MLic / LO) (Council 12.09.05)

To grant Hackney Carriage and Private Hire Vehicle Licences.
(DEP / HE / MEH / MLic / TLO)

To suspend Hackney Carriage and Private Hire drivers' Licences (DEP / HE / MEH / MLic)

To suspend licences of taxi drivers and proprietors of vehicles who fail to produce documents as required by legislation and who fail to observe licence conditions.
(DEP / HE / MEH / MLic / TLO).

To suspend and/or revoke Hackney Carriage and Private Hire Vehicle Licences where the vehicles are unfit for use as Hackney Carriage or Private Hire Vehicles.
(DEP / HE / MEH / MLic / TLO).

To refer to the Licensing Committee, Hackney Carriage drivers' licences, Private Hire drivers' and Operators licences, where an application for the renewal of a licence may be refused or a licence may be withdrawn or on a contentious initial application.
(DEP / HE / MEH / MLic).

To grant Private Hire Operators' Licences (DEP/ HE / MEH / MLic / LO)

To authorise in writing an Authorised Officer, or Officers, for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1972. (DEP)

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Scheme of Delegation to Officers

Landscape & Countryside Services

Day-to-day management of all Council-owned parks, woodlands and open spaces.
(DEP / HE)

Waste Management

To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005 as outlined in Appendix A1 to the report to Executive Committee of 21 February 2007.
(HE, in consultation with MLS) (Council – 12.03.07)

To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978
(HE, in consultation with MLS)

To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.
(HE or his/her nominee(s), in consultation with MLS)

Removal, storage and disposal of abandoned vehicles. (DEP / HE / MWM)

To organise vehicle amnesties as and when required. (HE / MWM)

To sign notices to quit and tenancy agreements relating to allotments (DEP / HE)

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Scheme of Delegation to Officers

Operations Team

Cemeteries and Crematorium

To deal with day-to-day cemetery and crematorium matters.
(DEP / HO / Mber).

To make decisions in accordance with the Memorial Masons Registration Scheme presented to Executive Committee on 25 September 2002 and approved by Council on 21st October 2002. (DEP / HO / Mber)

To make decisions and take appropriate action in respect of unsafe memorials in the Abbey, Edgioake and Plymouth Road Cemeteries in accordance with the recommendations of the Executive Committee on 12th February 2003 and 26th February 2003 and approved by the Council on 14th April 2003.
(DEP / HO / Mber)

Operations - Redditch Market:

To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches. (DEP / HO)

The setting of fees / rents as published in the "Fees and Charges" booklet or as agreed by the Executive Committee. (DEP / HO)

To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances, in consultation with CX or HFR&B.
(DEP / HO).

To apply discounts to Redditch Market stall fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee. (HO) (Council 8/12/08)

To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders. (HO) (Council 8/12 /08)

Operations - Transport

To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.
(DEP / HO)

Issue of free and concessionary bus passes, in accordance with schemes approved by the Council. (DEP)

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Scheme of Delegation to Officers

To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales, in accordance with the Asset Management Plan.
(DEP / HO)

To admit operators to the Council's Concessionary Fares Scheme, subject to them meeting the requirements set out under the Scheme. (DEP)

To amend the concession eligibility requirements, list of eligible services, generation factor and operator return documents as required from time to time to ensure the efficient operation of the Concessionary Fares Scheme Service.
(DEP)(Executive Committee 11.02.04)

Planning & Building Control

Development Control / Development Plans

All planning decisions, actions or advice/responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers (HP&BC)

unless:-

1. ~~The Chair / Vice-Chair / Planning Committee Member / Ward Member~~ **A Member** makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.
2. The Planning Officer considers that the application should be considered by Committee.
3. The approval of the application would represent a departure from the policies of the statutory development plan.
4. The proposal involves the Borough or County Council either as applicant or landowner where the determination will be for approval and the proposed development is not minor in nature.
5. The applicant is a Councillor or known to be an employee of Redditch Borough Council.
6. Any application where there is a known involvement by a Council employee in any capacity - e.g. agent or consultant.

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

7. Any application for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floorspace).
8. Any application where the Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – Not to Unilateral Undertakings).
9. Any Planning Applications where two or more individual letters of objection **from separate addresses and raising material planning considerations are** received from separate members of the public and the Officer ~~intention~~ **recommendation is for approval** ~~to approve planning permission.~~
10. Any application which has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.
11. Any application seeking erection of a new, or Change of Use to A3 (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or any application seeking (change of use or erection of a new) consent for a night club, theatre or casino.

Legislation / Regulations under which decisions will be taken include:-

- Town & Country Planning Act 1990 (as amended)
- Planning and Compensation Act 1991
- Town & Country Planning (General Permitted Development) Order 1995
- Town & Country Planning (General Development Procedure) Order 1995
- Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)
- Building Act 1984
- Circular 5/2000: Planning Appeals: Procedures (including Inquiries into Called in Planning Applications)
- Circular 18/1984: Crown Land & Crown Development
- Town & Country Planning (Environmental Effects Impact Assessment) Regulations 1999
- Highways Act 1980
- Planning (Hazardous Substances) Act 1990
- Hedgerow Regulations 1997
- Goods Vehicles (Licensing of Operators) Act 1995
- Goods Vehicles (Licensing of Operators) Regulations 1995
- Town & Country Planning (Control of Advertisements) Regulations 1992

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Scheme of Delegation to Officers

- Wildlife and Countryside Act 1981
- Caravan Sites and Control of Development Act 1960
- Acquisition of Land Act 1981
- Telecommunications Act 1991
- Electricity Act 1989
- Planning and Compensation Act 1991
- Land Drainage Act 1991
- Ancient Monuments and Archaeological Areas Act 1979
- Local Government Planning and Land Act 1980
- Planning and Compulsory Purchase Act 2004
- Clean Neighbourhoods and Environment Act 2005 (Council – 11.12.06)

The preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals. (HP&BC and/or MDP) (Council – 11.12.06)

Planning & Building Control - Building Control

To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-

Highways Act 1989 (Sections 169, 172 & 173) (HP&BC / MBC)

Building Act 1984 (Sections 8,15,16,18-30,32,33, 36, 71, 72 (1)(b), 80,81. (HP&BC / MBC)

To take action as appropriate under the following enactments:-

Public Health Act 1936 Section 262. (HP&BC / MBC)

Local Government (Miscellaneous Provisions) Act 1976 - Dangerous Excavations. (HP&BC / MBC)

To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out in paragraph 4 above and additionally Section 94 (HP&BC / MBC).

To issue notices of the Council's decisions on all applications and submissions made to it on Building Control Matters (HP&BC / MBC).

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Scheme of Delegation to Officers

To take action under Building Act 1984, Sections 77 and 78.
(HP&BC / MBC and MLS).

To serve requisitions for Information under Section 16 of the Local Government
(Miscellaneous Provisions) Act 1976. (HP&BC / MBC)

Council's Scheme of Charges under the Building (Local Authority Charges)
Regulations 1998 - To vary the standard fee scales of the Local Government
Association Model Scheme by up to plus or minus 10%.
(DEP, in consultation with CX)

Planning & Building Control - Street Naming & Numbering

(moving shortly to Chief Executive's Directorate, Legal Democratic & Property Team)

Street / Property naming, in accordance with Council-approved Policy and list of
candidate names.

(MBC, in consultation with Ward and other relevant Members / Portfolio Holder - *after
transfer of responsibility (MDS)*, in consultation with Ward and other relevant Members
/ Portfolio Holder)

To prescribe street numbers and renumber premises where necessary.
(HP&BC / MBC). *(After restructuring: (MDS))*

Strategy & Partnerships

Community Safety Team

To implement Designated Public Places Orders, as required, in accordance with the
procedures set out in the report to Executive Committee on 5.12.05.
(DEP and, in his/her absence, the HS&P, in consultation with the Portfolio Holder for
Community Safety and local Ward Members) (Council – 12.12.05)

To make applications for injunctions under the Housing Act 1996 as amended by
Section 13 of the Anti-Social Behaviour Act 2003 to prohibit Anti-Social Behaviour that
affects the management of the Council's housing stock including applications for
Exclusion and Power of Arrest (MLS, in consultation with HS&P / MASB / HH&C)

To take action to enforce breaches of injunctions made under Section 13 of the Anti-
Social Behaviour Act 2003 (MLS, in consultation with HS&P / MASB / HH&C)

To enter into voluntary Acceptable Behaviour Contracts and voluntary Parental
Commitment (HS&P / MASB / MT/ Anti-Social Behaviour Co-ordinators)

To give consent on behalf of the Council to requests from the Police for authorisations
and to be consulted upon requests for the withdrawal of authorisations under Part IV
of the Anti-Social Behaviour Act 2003 for the dispersal of groups and removal of

CONSTITUTION - APPENDIX C

Scheme of Delegation to Officers

persons under 16 to their place of residence.
(DEP or, in her/his absence, HS&P)

To make applications for injunctions under Section 222 of the Local Government Act 1972, to include application for Power of Arrest as amended by the Police and Justice Act 2006 (MLS, in consultation with HS&P / MASB)

To carry out statutory consultation with the police and respond to consultation by the police with regards to applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998. (HS&P / MASB)

To make applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti-Social Behaviour Act 2003.
(MLS, in consultation with HS&P / MASB) (Council - 29.01.07)

To make applications for Intervention Orders, attached to Anti-Social Behaviour Orders, under Section 1G of the Crime and Disorder Act 1998 as amended by Section 20 of the Drugs Act 2005. (MLS, in consultation with HS&P / MASB).

(To enter into Parenting Contracts and Parenting Orders under Sections 25A and 26 of the Anti-Social Behaviour Act 2003, as amended by Sections 23 and 24 of the Police and Justice Act 2006. (HS&P / MASB)) [Awaiting provision being brought into force]

In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices Before Proceedings for a Demotion Order and to refer cases (with the authorisation of HH&C) to MLS to institute proceedings for possession (HS&P / MASB)

To respond to consultation from the Police under Part I of the Anti-Social Behaviour Act 2003 for the closure of premises where drugs are used unlawfully.
(DEP, or in her/his absence, HS&P)

Policy - Grants

To have responsibility for the payment of minor grants. (DEP)

To have responsibility for the payment of major grants to community and voluntary organisations. (DEP, in consultation with CX)

Policy - Procurement

To approve or refuse to add firms to the Council's Standing Approved Lists of contractors following a Council resolution to include such firms, subject to further information being provided to the relevant Director's satisfaction. (HS&P)

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Scheme of Delegation to Officers

HOUSING, LEISURE & CUSTOMER SERVICES DIRECTORATE

Asset & Maintenance Team

Asset Management

Acceptance of offers of dedication of land for highway purposes.
(DHAM, in consultation with WCC)

Issue of consents under New Street Byelaws following approval of applications by the Executive Committee (DHAM, in consultation with WCC)

Issue of licences to plant trees, shrubs etc. and to deal with dangerous trees in a highway (DHAM, in consultation with WCC)

To take action in accordance with Highways Act 1989 Sections 219 - 225.
(DHAM / MLS / in consultation with WCC)

Siting of street signs and bus stops (DHAM / HA&M)

Siting of street furniture other than bus shelters (DHAM / HA&M)

To carry out the Council's function under the Land Drainage Act 1991.
(DHAM / HA&M)

To approve or otherwise, local traffic management proposals and associated works
(DHAM / HA&M, in consultation with WCC)

To deal with applications for temporary road closures for special events.
(DHAM / HA&M)

To make, in appropriate cases, Orders under Section 21 of the Town Police Clauses Act 1847 (MLS)

To accept grants from British Gas Trading Limited to assist in the upgrading of the heating systems of Council stock in accordance with Council approval of 11.12.06
(DHAM) (Council 11.12.06)

To authorise the demolition of identified garages which satisfy the criteria and procedures detailed in Sections 7.4 and 7.5 of the report to Executive Committee on 30.01.05 (DHAM) (Council – 12.12.05)

Care & Repair / Equipment & Adaptations

To deal with the day to day management of the Care & Repair Service.
(HA&M)

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Scheme of Delegation to Officers

*To waive the condition requiring repayment of a Disabled Facilities Grant in accordance with the Government's criteria set out in Section 5.19(b) of the report to the Executive Committee on 7 January 2009.
(MC&R, in consultation with HPM and relevant Portfolio Holder)*

Housing & Community Services Team

Housing Services

Day-to-day management of the Council's housing stock, housing land and housing matters (DHAM / HH&C)

To deal with day-to-day management of the Equipment and Adaptations Service. (HH&C / MT)

To deal with lettings and day-to-day operation of the Communal Rooms in warden-controlled schemes. (DHAM / HH&C / CWTL)

In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are less than £100. (HH&C / MT / Tenancy Officers)

In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are more than £100. (DHAM)

In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985 (applications for accommodation, etc.). (DHAM / HH&C / MHO / Housing Options Officers)

In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices to Quit and to refer cases to the MLS to institute proceedings for possession. (DHAM / HH&C / MT / MIR&W)

To sanction applications for Warrants of Possession in above cases (DHAM / HH&C)

To sanction the demotion (= loss of security of tenure) of tenancies. (HH&C) (Council 22.11.04)

To institute such proceedings and obtain such Warrants of Possession. (MLS).

In respect of squatters and unauthorised occupiers: to serve Notice Seeking Possession or Notice to Quit and refer to the MLS to institute proceedings for possession. (HH&C / MT/ MIR&W)

To sanction applications for Warrants of Possession in above cases. (DHAM / HH&C)

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Scheme of Delegation to Officers

To institute such proceedings and obtain such Warrants of Possession. (MLS)

Where, on the death of a secure tenant, a right to succeed does not arise or is not exercised, to serve Notice to Quit and refer to the MLS to institute proceedings for possession. (HH&C/ MT/ MIR&W)

To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; to serve Notice to Quit and refer to the HLD&P to institute proceedings for possession if the offer is refused. (HH&C)

To sanction applications for Warrants of Possession in above cases. (DHAM / HH&C)

To institute such proceedings and obtain such Warrants of Possession. (MLS)

To institute proceedings against occupants of Norgrove House or guest bedrooms or housing stock dwellings let on licence as temporary accommodation and to institute possession proceedings; to obtain eviction warrants and arrange for the execution of the same, where such occupants refuse to vacate the accommodation when requested and obtain warrants for possession. (MLS)

To deal with any vehicle or trailer causing a nuisance on housing estates using the procedure set out in the report to the Housing Committee of 5th October 1987. (MLS, in consultation with MT)

To instigate proceedings for possession in respect of leased garages where a breach of covenant causing serious nuisance occurs; to apply for Warrants of Possession in such cases (MLS, in consultation with HH&C / MT).

To collect and recover current housing rents and other housing-related debts within the overall Debt Prevention Strategy (Minute 200/92) (MIR&W). (Council 22.11.04)

To instigate proceedings in the case of over-allowed benefit. (HH&C, or in her/his absence, MLS)

To take enforcement action in relation to the Gas Maintenance Contracts, to gain entry to properties where a tenant does not permit access to the Council's contractor to undertake safety inspections and routine servicing. (HA&M / HH&C, in consultation with MLS) (Council 26.06.06)

To make decisions on negotiating the contract referred to in para's 5.4 - 5.6 of the "Asylum Seekers - Providing Support" report presented to the Housing Committee on 31 July 2000, and, subject to decision of the Executive Committee, to employ personnel or commissioning agencies or Services to implement the work on behalf of the Council, subject to costs being recovered. (DHAM)

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To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements (HH&C).

To exercise the Council's powers to force entry to Council-owned properties in cases of emergency (DHAM / HA&M / HH&C / MT, in consultation with MLS)

Community Services

To deal with day-to-day management of the CCTV Control Room in accordance with the Council's adopted Code of Practice (MCC)

To identify and register with the Commission for Care Standards Inspection the "Registered Provider" and the "Registered Manager" for the purposes of the Care Standards Act 2000. (DHAM)

To register up-to-date Statements of Purpose with the Commission for Care Standards Inspection (HH&C)

To collect and recover Supporting People Charges within the Charging Policy adopted by the Council and to refer cases to the HLD&P to institute proceedings to recover such charges (HH&C)

To sanction applications for Warrants of Possession in above cases (HH&C)

To institute such proceedings and obtain such Warrants of Possession (MLS)

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Scheme of Delegation to Officers

Leisure & Arts Team

Day-to-day management and normal lettings in respect of sporting facilities. (**DHLCS**)

Day-to-day management of play areas (**DHLCS**)

To negotiate additional fishing matches at the Arrow Valley Lake during existing off-peak and under-utilised periods. (**DHLCS**)

Day-to-day operation and normal lettings in respect of the Forge Mill Museum and Bordesley Abbey Visitor Centre (**DHLCS**)

Applications for, and negotiation of charges for, the use of Leisure facilities and open spaces for circuses, fairs fetes, rallies, tournaments and display purposes, where Committee approval has been given in previous years and where any necessary planning permission, and/or relevant licence, has been obtained (**DHLCS**).

To approve the use of facilities for various annual events (**DHLCS**).

Day-to-day operation of Sports Development, and the setting of fees and charges for their activities (**DHLCS**) (C).

To determine representations (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates and that in all other cases they be referred to the Executive Committee for consideration (**DHLCS** or other appropriate Dir) .

To negotiate off-peak charges for specific amenity events at Sports Centres (C) (**DHLCS**).

To vary the charges at the Leisure facilities in response to additional competition (C) (**DHLCS**, in consultation with CX).

Day-to-day operation of the Palace Theatre and Arts Development function; normal lettings and negotiation with artists and organisations of performing fees where appropriate (**DHLCS**).

To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays (**DHLCS**).

Normal lettings and day-to-day operation, in consultation with various Management Committees (where applicable), of the Community Meeting Rooms (**DHLCS**).

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Scheme of Delegation to Officers

To vary charges at Leisure Facilities, in response to additional competition.
(DHLCS, in consultation with CX (C).

To vary fees and charges in accordance with market conditions as set out in Appendix 1 of the "Fees and Charges" report presented to Amenities Committee on 6th November 2001. (DHLCS) (C)

To approve and implement short-term and one-off promotions at all Sports and Leisure facilities (HLD&P / MLeis, MSS)

Customer & IT Services Team

One Stop Shop – Civic Suite Hire

(transferring shortly from CX Directorate – these delegations to apply after the move)

To set charges in respect of the Civic Suite and to vary fees and charges set by the Council, in response to commercial considerations, in the light of experience of the new charges. (HC&IT / MCS, in consultation with Portfolio Holder) (C)

Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite. (HC&IT / MCS.

*To agree requests for concessionary use of the Civic Suite.
(HC&IT / MCS, in consultation with relevant Portfolio Holder)*

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Scheme of Delegation to Officers

Key to Directors' and other Officers' Abbreviations

Directors – 1st & 2nd Tiers

CX	Chief Executive
DCX	Deputy Chief Executive
DEP	Environment & Planning
DHAM	Housing & Asset Management
DLCBS	Director of Leisure, Customer and Business Support

Heads of Service – 3rd Tier

HA&M	Asset & Maintenance
HC&IT	Customer & IT
HE	Environment
HO	Operations
HFR&B	Financial, Revenues & Benefits
HH&C	Housing & Community
HHR&C	Human Resources & Communications
HL&A	Leisure & Arts
HLD&P	Legal, Democratic & Property
HP&BC	Planning & Building Control
HS&P	Strategy & Partnerships

[& MO Monitoring Officer]

Managers – 4th Tier & below

MA (S optional*)	Accountancy (* Services)
MASB	Anti-Social Behaviour
MB	Benefits
MBC	Building Control
MBen	Benefits (Security)
MBer	Bereavement
MCC	Control Centre
MC&R	Care & Repair
MCS	Customer Services
MDC	Development Control
MDP	Development Plans
MDS	Democratic Services
MEH	Environmental Health
MHO	Housing Options
MHP	Housing Policy
MHR	Human Resources
MIA	Internal Audit
MIR&W	Income, Recovery and Welfare

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Scheme of Delegation to Officers

MIT

IT

MLeis	Leisure
MLic	Licensing
MLS	Legal Services
MOGF	Operations (General Fund)
MOHRA	Operations (HRA)
MP	Policy
MPD	Project Development
MPS	Property Services
MR	Revenues
MR&M	Repairs & Maintenance
MSS	Sports Centres
MT	Tenancy
MWM	Waste Management

Other Officers

CWTL	Community Warden Team Leader(s)
EHO (AEHO)	Environmental Health Officer (Area -)
EHT	Environmental Health Technician
FSO	Food Safety Officer
PCO	Pollution Control Officer
LO	Licensing Officer

Other Bodies

STW	Severn Trent Water
WCC	Worcestershire County Council

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Scheme of Delegation to Officers

<u>AUTHORISED SIGNATORIES PROFORMA</u>						
PAGE ONE OF TWO						
<u>EMPLOYEES</u>						
LETTER OF APPOINTMENT						
MILEAGE CLAIMS						
STAFF RETURNS / LEAVERS						
PRE-PLANNED OVERTIME						
SALARY ADVANCES						
SALARY AMENDMENTS						
STARTER FORMS						
TIMESHEETS						
TRAINING EXPENSES FORMS						
<u>PETTY CASH</u>						
VOUCHERS						
RE-IMBURSEMENT						
<u>PROCUREMENT</u>						
CONTRACT CERTIFICATES						
CONTRACT DOCUMENTS						
INVOICE CERTIFICATION						
PRINT & STATIONERY REQUISITIONS						
PURCHASE REQUESTS						
STORES REQUISITIONS						
<u>OTHER</u>						
MEMBERS' ALLOWANCES						
OFFICERS' ALLOWANCES						
PAYMENTS TO COURT						
A = MAY SIGN IN ABSENCE OF SUPERIOR ONLY				* = WITHIN £500 LIMIT		

Authorised Approval Director

Date:

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Scheme of Delegation to Officers

PAGE TWO OF TWO

DIRECTORATE:

NAME	
SIGNATURE	
INITIALS	

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Scheme of Delegation to Officers

