

REDDITCH BOROUGH COUNCIL



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REDDITCH BOROUGH COUNCIL



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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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.

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- 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).

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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

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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).

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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.

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

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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;

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- (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

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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.

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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;

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- (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.

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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;**

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- 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.

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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.

PART 2

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

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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

PART 2

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

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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.

48 Power to license planting, retention and maintenance of trees etc in part of highway.

49 Power to authorise erection of stiles etc on footpaths or bridleways.

50 Power to license works in relation to buildings etc which obstruct the highway.

51 Power to consent to temporary deposits or excavations in streets.

52 Power to dispense with obligation to erect hoarding or fence.

53 Power to restrict the placing of rails, beams etc over highways.

54 Power to consent to construction of cellars etc under street.

55 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.

56 Power to sanction use of parts of buildings for storage of celluloid.

57 Power to approve meat product premises.

58 Power to approve premises for the production of minced meat or meat preparations.

59 Power to approve dairy establishments.

60 Power to approve egg product establishments.

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.

62 Power to approve fish products premises.

63 Power to approve dispatch or purification centres.

Section 139 of the Highways Act 1980 (c 66).

Section 142 of the Highways Act 1980.

Section 147 of the Highways Act 1980.

Section 169 of the Highways Act 1980.

Section 171 of the Highways Act 1980.

Section 172 of the Highways Act 1980.

Section 178 of the Highways Act 1980.

Section 179 of the Highways Act 1980.

Section 180 of the Highways Act 1980.

Section 1 of the Celluloid and Cinematograph Film Act 1922 (c 35).

Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082).

Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205).

Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086).

Regulation 5 of the Egg Products Regulations 1993 (SI 1993/1520).

Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (SI 1995/1763).

Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (SI 1998/994).

Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

PART 2

64 Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65 Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66 Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67 Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (SI 1991/2828).
68 Power to register food business premises. [69 Power to issue near beer licence.	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.
70 Power to register premises or stalls for the sale of goods by way of competitive bidding [71 Power to register motor salvage operators.	Section 28 of the Greater London Council (General Powers) Act 1984 (c xxvii).] Part I of the Vehicles (Crime) Act 2001 (c 3).]
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.	Part I of the Health and Safety at Work etc Act 1974 (c 37).
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.	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.

PART 2

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

(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.

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

- 1 Power to create footpath[, bridleway or restricted byway] by agreement.
- 2 Power to create footpaths[, bridleways and restricted byways].
- 3 Duty to keep register of information with respect to maps, statements and declarations.
- 4 Power to stop up footpaths[, bridleways and restricted byways].

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

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

Section 26 of the Highways Act 1980.

Section 31A of the Highways Act 1980.

Section 118 of the Highways Act 1980.

PART 2

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

PART 2

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.	Section 294 of the Housing Act 1981 (c 68).
[30A Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c 8).]
31 Power to authorise stopping-up or diversion of footpath[, bridleway or restricted byway].	Section 257 of the Town and Country Planning Act 1990.
32 Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33 Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c 37).
34 Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
<i>Part II: other miscellaneous functions</i>	
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).

PART 2

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).]

PART 2

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.

PART 2

- 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).

PART 2

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.

PART 4C

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].

PART 4C

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.

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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

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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

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- (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;

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- (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

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- (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 -

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- (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

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- 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

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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)