



CONSTITUTION

(Updated with administrative changes August 2018)

This Constitution has been prepared and maintained as required by Section 37 of the Local Government Act 2000 and in line with guidance issued by the Secretary of State under Section 38 of that Act.

This document is available on the Council's website

www.reigate-banstead.gov.uk

CONSTITUTION OF THE COUNCIL

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Part 1

Summary and Explanation

The Council's Constitution

The Constitution sets out how the Council operates, how decisions are made and the procedures that are in place to ensure decisions are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen by the Council.

The Constitution comprises 17 Articles that set out the basic rules governing the Council's business, together with more detailed procedure rules, codes of practice and protocols.

The Council exists to improve the quality of life of people who live and work in the Borough of Reigate and Banstead. Article 1 of the Constitution is intended to assist in the delivery of this objective by providing for clear leadership, enhanced local democracy, accountability and the effective and efficient provision of services.

Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate.

The Articles are listed below and are detailed in Part 2 of the Constitution.

- Article 1 The Constitution
- Article 2 Members of the Council
- Article 3 Citizens and the Council
- Article 4 The Council
- Article 5 Chairing the Council
- Article 6 Leader of the Council
- Article 7 The Executive
- Article 8 Overview and Scrutiny arrangements
- Article 9 Licensing and Regulatory and other Committees
- Article 10 The Standards Committee
- Article 11 Area Committees
- Article 12 Joint arrangements
- Article 13 Officers
- Article 14 Decision making
- Article 15 Finance, contracts and legal matters
- Article 16 Review and revision of the Constitution
- Article 17 Suspension, interpretation and publication of the Constitution

Part 1: SUMMARY AND EXPLANATION

The Council

The Council comprises 51 Councillors with one-third elected three years in four. Councillors are democratically accountable to the 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 Council has a Standards Committee to provide training and advice on the Code.

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 Council:

- appoints the Leader.
- agrees the budget and sets the level of Council Tax for the area.
- approves the framework for the delegation of responsibilities of non-executive functions.
- determines the policy framework.
- deals with issues outside of the policy and budget framework.
- holds the Leader to account by considering matters referred to it by the Overview and Scrutiny Committee.

The Leader

The Leader is responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

When major decisions are to be discussed or made, these are published in advance, as set out in Procedure Rule 3 – Executive Functions. Decisions generally are made at meetings (with Council Officers present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Leader can delegate decisions to the Executive, individual Members of the Executive, Sub-Committees of the Executive, individual local Members or Officers.

The Executive

The Executive is made up of the Leader, Deputy Leader and a Cabinet of between 1 and 8 additional Councillors appointed by the Leader. Executive Members will normally be responsible for a portfolio of services/functions allocated to them by the Leader.

Part 1: SUMMARY AND EXPLANATION

Any reference within this Constitution to the Executive decision making process, and the rules applying to it, should be taken to refer equally to an Executive Sub Committee, individual Executive Member or Officer.

Overview and Scrutiny

The Council has established one Overview and Scrutiny Committee which can appoint ad hoc Panels to support its role. The Committee and Panels assist the work of the Leader/Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations advising the Leader or Executive decision maker and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions under the Executive arrangements. It can 'call-in' an Executive decision made but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive decision maker reconsider the decision. It may also be consulted on forthcoming decisions and the development of policy.

Other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader. These are the Planning, Licensing and Regulatory, Standards, and Employment Committees.

The Council's Staff

The Council has people working for it (called '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. Codes of Conduct govern the conduct of Officers and the relationship 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 Article 3. Some are legal rights, whilst others result from the Council's own procedures. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as an applicant for housing benefit, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Democratic Services by e-mail democratic.services@reigate-banstead.gov.uk.

A statement of the rights of citizens to inspect Agenda and reports and attend meetings is available on the Council's website or on request.

Part 2

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

- 1.2.1 This Constitution, comprising the following parts, is the Constitution of the Reigate and Banstead Borough Council:

Part 1: Summary and Explanation

Part 2: Articles of the Constitution

Part 3a: Responsibility for Functions

Part 3b: Officer Scheme of Delegation

Part 4: Procedure Rules

- Procedure Rule 1 - Access to Information
- Procedure Rule 2 - Council
- Procedure Rule 3 - Executive Functions
- Procedure Rule 4 - Committee and Sub Committee
- Procedure Rule 5 - Overview & Scrutiny
- Procedure Rule 6 - Policy Framework and Budget
- Procedure Rule 7 - Financial
- Procedure Rule 8 - Contract
- Procedure Rule 9 - Officer Employment

Part 5: Codes and Protocols

- Members' Code of Conduct
- Protocol 1 - Member/Officer relations
- Protocol 2 - Member Working Groups and Task Groups

Part 6: Members' Allowances Scheme

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.3 help Councillors represent their constituents effectively;
- 1.3.4 enable decisions to be taken efficiently and effectively;
- 1.3.5 create a powerful and effective means of holding decision-makers to public account;
- 1.3.6 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 1.3.8 provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

- 1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option it thinks is closest to the purposes stated above.
- 1.4.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of the Council

2.1 Composition and Eligibility

Composition

- 2.1.1 The Council comprises 51 Members (upto May 2019), called Councillors. The Boundary Commission have approved a new framework for the composition of the Council that will reduce the number of Councillors to 45 from May 2019 onwards. The new ward boundaries is the subject of consideration by the Commission (announcement expected in October 2018)

Eligibility

- 2.1.2 Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.
- 2.1.3 Councillors must be 18 years of age or over.

2.2 Election and Terms of Councillors

- 2.2.1 In May 2019 the Council will undertake an all out election for all 45 seats. The Councillors will be elected for periods of between 1 and 4 years depending on the results of the elections. This will allow the election of thirds to be undertaken in subsequent years. The elections of a third of all Councillors will normally be held on the first Thursday in May in each year beginning in 2020 except that in 2023 and every fourth year after there will be no regular election.
- 2.2.2 The terms of office of Councillors will, after the 2019 elections, be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and functions of all Councillors

Key Roles

All Councillors will:

- 2.3.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- 2.3.2 represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- 2.3.3 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- 2.3.4 balance different interests identified within the Ward and represent the Ward as a whole;
- 2.3.5 be involved in decision-making;
- 2.3.6 be available to represent the Council on other bodies;
- 2.3.7 maintain the highest standards of conduct and ethics; and

- 2.3.8 have regard to the duties and responsibilities set out in role descriptions approved by the Council.

Rights and Duties

- 2.3.9 Councillors will have 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.
- 2.3.10 Councillors will not divulge confidential or exempt information without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- 2.3.11 For these purposes, “confidential” and “exempt” information is defined in Procedure Rule 1 - Access to Information, in Part 4 of this Constitution.

2.4 Conduct

- 2.4.1 Councillors will at all times observe the Members’ Code of Conduct and other agreed protocols and procedures.

2.5 Members’ Allowances

- 2.5.1 Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme.

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 Procedure Rule 1 - Access to Information, in Part 4 of this Constitution:

Voting and Petitions

Citizens on the electoral register for the area have the right to:

- 3.1.1 vote in elections where eligible;
- 3.1.2 sign a petition to request a referendum for an elected Mayor form of executive arrangements;
- 3.1.3 sign a petition to request a Community Governance Review;
- 3.1.4 submit petitions in accordance with the Council's Petition Scheme.

Information

Citizens have the right to:

- 3.1.5 access a copy of this constitution from the Council's website;
- 3.1.6 attend meetings of the Council (and its Committees and Sub-Committees) and the Executive (including meetings of a sub committee, individual Member or Officer where Key Decisions are taken) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- 3.1.7 find out from the 28 Day Notice of Key Decisions what business will be considered by the Leader, Executive or its Sub Committees, Portfolio Holders or Officers and when;
- 3.1.8 see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Procedure Rules;
- 3.1.9 inspect the Council's accounts and make their views known to the external auditor.

Participation

Citizens have the right to:

- 3.1.10 Contact their local councillor about any matters of concern to them;
- 3.1.11 ask a question at a meeting of the Council;
- 3.1.12 establish or sign a petition in accordance with the Council's Petition Scheme;
- 3.1.13 speak at meetings of the Planning Committee in accordance with the Committee's protocol on public speaking at Planning Committee; and

- 3.1.14 subject to invitation by the Committee, a Panel or the Chairman, to contribute to investigations by the Overview and Scrutiny Committee and its Panels.

Complaints

Citizens have the right to complain to:

- 3.1.15 the Council under its Complaints Procedure;
- 3.1.16 the Ombudsman, normally after using the Council's own Complaints Procedure;
and
- 3.1.17 the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

Article 4 - The Council

4.1 Meanings

Policy Framework

4.1.1 The policy framework includes the following plans and strategies:

- (i) Corporate Plan
- (ii) Development Management Documents prepared in accordance with the Planning and Compulsory Purchase Act 2004 (or as subsequently amended)
- (iii) Licensing Authority Policy Statement
- (iv) Crime and Disorder Reduction Strategy
- (v) Treasury Management Policy Statement
- (vi) Annual Treasury Management Strategy
- (vii) Financial Strategy

Budget

4.1.2 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.

4.2 Functions of the full Council

The Council will exercise the following functions unless otherwise stipulated in the Responsibility for Functions or the Scheme of Delegation in Part 3 of this Constitution:

- 4.2.1 adoption and alteration of the Constitution apart from where legislation overrides an existing provision or changes to the Scheme of Delegation in relation to Executive functions;
- 4.2.2 approval or adoption of the policy framework and the budget (both revenue and capital programme);
- 4.2.3 election of the Mayor and Deputy Mayor;
- 4.2.4 appointment and removal of the Leader of the Council;
- 4.2.5 approval and/or amendment of Committee responsibilities;
- 4.2.6 determination of the allocation of seats on Committees and the appointment of Members to Committees;
- 4.2.7 approval of the annual General Fund Budget and determination of the Council Tax;

- 4.2.8 adoption of the Members' Code of Conduct and Allowance Scheme;
- 4.2.9 approval and amendment of the Petition Scheme;
- 4.2.10 appointment of Head of Paid Service and designation of statutory Officers;
- 4.2.11 changing the name of the area, granting the Freedom of the Borough and conferring the title of Honorary Alderman;
- 4.2.12 electoral matters including functions relating to community governance;
- 4.2.13 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 4.2.14 all local choice functions set out in Table 1 (Responsibility for Local Choice Functions) of Part 3a of this Constitution which the Council decides should be undertaken by itself; and
- 4.2.15 all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

- 4.3.1 There are three types of Council meeting:
 - (i) the annual meeting;
 - (ii) ordinary meetings; and
 - (iii) extraordinary meetings;
- 4.3.2 and they will be conducted in accordance with Procedure Rule 2 – Council, in Part 4 of this Constitution.

4.4 Responsibility for functions

- 4.4.1 The Council will maintain the Tables in Part 3a of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader of the Council.

4.5 Urgent Decision Making

- 4.5.1 In the event that any matters arise in circumstances rendering it impossible for the Leader/Executive or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Chief Executive (or in his/her absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that he or she complies with legislative requirements for determining Key Decisions and shall, before taking action, consult:
 - (i) the Chief Finance Officer and Monitoring Officer (or their deputies); and
 - (ii) in respect of Executive functions, either the Leader (or in his/her absence the Deputy Leader or his/her absence another Executive Member); or

- (iii) in respect of non-Executive functions, the Mayor (or in his/her absence the Deputy Mayor or in his/her absence the Chairman of the relevant committee).

4.6 Reporting Urgent Decisions

- 4.6.1 Any decisions taken in accordance with Article 4.5 will be reported to the next meeting of Council in order to fulfil the legal requirements associated with determining and publicising Key Decisions.

Article 5 - Chairing the Council

5.1 Role and Function of the Mayor

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

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

5.1.2 to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;

5.1.3 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;

5.1.4 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 Councillors who are not on the Executive or who do not hold a committee Chairmanship are able to hold the Executive and Committee Chairmen to account;

5.1.5 to promote public involvement in the Council's activities;

5.1.6 to be the conscience of the Council; and

5.1.7 to attend such civic and ceremonial functions as the Council and he/she determines appropriate following receipt of advice from the Chief Executive.

Article 6 - The Leader and Deputy Leader of the Council

6.1 Appointment and term of Office

6.1.1 The Leader will hold office for a four year period starting on the day of his/her election as Leader at the Annual Council meeting, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

6.1.2 The Leader's period of office will cease at an earlier date if:

- (i) he/she resigns from the office; or
- (ii) he/she is no longer a councillor; or
- (iii) he/she is removed from office by resolution of the Council.

6.2 Vacancy

6.2.1 If there is a vacancy in the position of Leader, the Council will elect a Leader at the first meeting following such vacancy.

6.2.2 The Leader will be elected for a term of office of four years starting on the day of his/her election as Leader, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

6.3 Functions of the Leader

6.3.1 The Leader will be responsible for 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, unless otherwise delegated by him/her.

6.3.2 The Leader shall be responsible for producing and maintaining Table 3 (Responsibility for Executive Functions) of Part 3a of this Constitution setting out who will exercise Executive functions. Executive functions can be exercised by the Leader, Executive, individual Executive Members, sub-committees of the Executive, individual local Members or Officers.

6.3.3 Only the Leader will exercise the following functions:

- (i) appointment of the Deputy Leader;
- (ii) appointment of the Executive; and
- (iii) allocation of portfolio responsibilities.

6.3.4 The Leader will chair any meetings of the Executive.

6.4 Deputy Leader

6.4.1 The Deputy Leader will be a councillor appointed to the position by the Leader.

6.4.2 The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- (i) he/she is removed from office by decision of the Leader; or
- (ii) he/she resigns from the office; or
- (iii) he/she is no longer a councillor.

6.5 Role of the Deputy Leader

- 6.5.1 If for any reason the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act and exercise all functions reserved to the Leader in his/her absence.
- 6.5.2 If for any reason the Leader and Deputy Leader are unable to act, or the offices are vacant, the remaining Members of the Executive may act collectively or appoint an interim Leader.

Article 7 - The Executive

7.1 Role

7.1.1 The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, as delegated by the Leader.

7.2 Form and Composition

7.2.1 The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, other Councillors appointed by the Leader.

7.3 Executive Members

7.3.1 Executive Members shall be appointed by the Leader. Their term of office (as an Executive Member) will be the same as for the Leader unless:

- (i) he/she resigns from office; or
- (ii) he/she is no longer a Councillor; or
- (iii) he/she is removed from office, either individually or collectively, by decision of the Leader.

7.4 Proceedings

7.4.1 Proceedings of the Executive, including that of any of its sub committees, shall take place in accordance with Procedure Rule 3 - Executive Functions, in Part 4 of this Constitution.

Article 8 - Overview and Scrutiny Arrangements

8.1 Structure

- 8.1.1 The Council will ensure appropriate Overview and Scrutiny arrangements are in place to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any other subsequent legislation.
- 8.1.2 The Council has one Overview and Scrutiny Committee.
- 8.1.3 The Committee may appoint ad hoc Panels for specific tasks, on completion of which they cease to exist.

8.2 Role and Function

- 8.2.1 The role and functions of the Committee are set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution.

8.3 Proceedings

- 8.3.1 Overview and Scrutiny Committee proceedings will be conducted in accordance with Procedure Rule 5 - Overview and Scrutiny, and Procedure Rule 4 – Committees and Sub-Committees, in Part 4 of this Constitution.

Article 9 - Licensing and Regulatory and other Committees

9.1 Appointment, role and function

9.1.1 The Council will appoint Committees to discharge functions, as set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution.

9.2 Proceedings

9.2.1 Licensing and Regulatory and other Committee proceedings will be conducted in accordance with Procedure Rule 4 – Committees and Sub-Committees, in Part 4 of this Constitution.

9.2.2 Committees may adopt protocols under their Procedure Rules to give further guidance on any aspect of the conduct of the business of the Committee.

Article 10 - The Standards Committee

10.1 Standards Committee

10.1.1 The Council will establish a Standards Committee.

10.2 Role and Function

10.2.1 The role and functions of the Committee are set out in Table 2 (Responsibility for Council Functions) of Part 3a of this Constitution.

10.3 Composition

Membership

10.3.1 The Standards Committee will comprise:

- (i) five members of the Authority;
- (ii) two independent persons; and
- (iii) one representative of the Town and Parish Councils.

Independent Members

10.3.2 Independent members will not be entitled to vote at meetings.

Parish Members

10.3.3 The Parish representative will not be entitled to vote at meetings.

Article 11 - Area Committees

11.1 Area Committees

- 11.1.1 The Council may appoint Area Committees if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
- 11.1.2 The Council will consult with relevant Parish and Town Councils when considering whether and how to establish Area Committees.

Article 12 - Joint Arrangements

12.1 Arrangements to Promote Well Being

The Council or the Leader (if it is an Executive function), in order to promote the economic, social or environmental well being of the Borough, may:

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

12.2 Joint Arrangements

12.2.1 Details of any joint arrangements including any delegations to Joint Committees will be set out in Table 3 (Responsibility for Executive Functions) of Part 3a of this Constitution.

Non-Executive Functions

- 12.2.2 The Council may establish joint arrangements with one or more Local Authorities to exercise functions that are not executive functions in any of the participating authorities, or advise the Council.
- 12.2.3 Such arrangements may involve the appointment of a Joint Committee with these other local authorities.

Executive Functions

- 12.2.4 The Leader may establish joint arrangements with one or more local authorities to exercise functions that are executive functions.
- 12.2.5 Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- 12.2.6 If the functions to be discharged involve Key Decisions the legal requirements associated with determining and publicising Key Decisions will apply.
- 12.2.7 Except as set out below, the Leader may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.

12.2.8 The Leader may appoint Members to a Joint Committee from outside the Executive 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 Leader 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 Surrey County Council and Reigate and Banstead Borough Council and relates to functions of the Leader of Surrey County Council. In such cases, the Leader 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.

12.2.9 In both cases (i) and (ii) the political balance requirements do not apply to such appointments.

12.3 Access to Information

12.3.1 Procedure Rule 1 - Access to Information, in Part 4 of this Constitution, applies.

12.3.2 If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities then its access to information regime will be the same as that applied to the Executive.

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

12.4 Delegation to and from other Local Authorities

12.4.1 The Council may delegate non-Executive and/or local choice functions to another local authority or, in certain circumstances, the Leader of another local authority.

12.4.2 The Leader may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.

12.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council (non-Executive functions) and the Leader (Executive functions).

12.5 Contracting Out

12.5.1 The Council (for functions which are not Executive functions) and the Leader (for Executive functions) may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an Order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 13 - Officers

13.1 Management Structure

General

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

Head of Paid Service, Monitoring Officer and Chief Finance Officer

13.1.2 The Council will designate the following statutory posts as shown:

- (i) Head of Paid Service (under Section 4 of the Local Government and Housing Act 1989)
- (ii) Chief Finance Officer (under Section 151 of the Local Government Act 1972)
- (iii) Monitoring Officer (under Section 5 of the Local Government and Housing Act, 1989)

13.1.3 Such posts will have the functions described in Articles 13.2-13.4 below.

Structure

13.1.4 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.

13.2 Functions of the Head of Paid Service

Discharge of Functions by the Council

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

Restrictions on Functions

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

13.3 Functions of the Monitoring Officer

Maintaining the Constitution

13.3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

Ensuring Lawfulness and Fairness of Decision Making

13.3.2 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 decision maker in relation to an Executive 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.

Supporting the Standards Committee

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

Conducting Investigations on Alleged Breaches of the Member Code of Conduct

- 13.3.4 The Monitoring Officer will conduct investigations in accordance with the adopted arrangements and make reports in respect of them as appropriate to the Standards Committee.

Proper Officer for Access to Information

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

Advising whether Executive Decisions are within the Policy Framework and Budget

- 13.3.6 The Monitoring Officer after consultation with the Chief Finance Officer, as appropriate, will advise whether Executive decisions are in accordance with the budget and policy framework.

Providing Advice

- 13.3.7 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.

Restrictions on Posts

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

Complaints

- 13.3.9 The Monitoring Officer will act as the Corporate Complaints Officer.

Deputy Monitoring Officers

- 13.3.10 The Monitoring Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence,

13.4 Functions of the Chief Finance Officer

Ensuring Lawfulness and Financial Prudence of Decision making

- 13.4.1 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 Leader in relation to an Executive function) and the Council's external auditor if he or she considers

that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of Financial Affairs

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

Providing Advice

- 13.4.3 The Chief Finance Officer, in consultation with the Monitoring Officer, as appropriate, will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

Provision of Financial Information

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

Deputy Chief Finance Officer

- 13.4.5 The Chief Finance Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence.

13.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

- 13.5.1 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.

13.6 Conduct

- 13.6.1 Officers will comply with the contract of employment, associated employment policies and Protocol 1 - Officer/Member Relations, adopted by the Council.

13.7 Employment

- 13.7.1 The recruitment, selection and dismissal of Officers will comply with the Procedure Rule 9 - Officer Employment, set out in Part 4 of this Constitution.

Article 14 - Decision Making

14.1 Responsibility for Decision Making

14.1.1 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 function. This record is set out in Part 3a of this Constitution.

14.2 Principles of Decision Making

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

- 14.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);
- 14.2.2 due consultation and the taking of professional advice from the Monitoring Officer and other Officers;
- 14.2.3 respect for human rights (see Article 14.5);
- 14.2.4 a presumption in favour of openness; and
- 14.2.5 clarity of aims and desired outcomes.

14.3 Types of Decision

Decisions Reserved to Full Council

14.3.1 Decisions relating to the functions listed in Article 4.2 will be made by the Council unless otherwise stipulated in the Responsibility for Functions or the Scheme of Delegation in Part 3 of this Constitution.

Key Decisions

14.3.2 A Key Decision is a decision made or to be made in connection with the discharge of a function which is the responsibility of the Leader under the terms of the Council's Constitution, which is likely to:

- (i) result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's area;

14.3.3 and, without prejudice to the generality of the foregoing, in determining whether resulting expenditure, savings or effects of a decision are significant, regard shall be had to the following principles:

- (i) expenditure under a contract of a value (determined in accordance with Procedure Rule 8 - Contract) of more than £250,000 should be regarded as significant;
- (ii) the making of savings in the costs of the provision of a service representing 10% of the budget allocated to that particular service is to be regarded as significant;

- (iii) major land disposals and acquisitions of a value of more than £250,000, to which Contract Procedure Rules apply, are significant;
- (iv) decisions involving the compulsory acquisition of any land should be treated as Key Decisions;
- (v) decisions involving the recommendation to the full Council of changes to the Budget and Policy Frameworks are to be regarded as Key Decisions; and
- (vi) decisions resulting in a major impact on a locality in the Council's area shall be treated as significant, even though they affect only one Ward.

14.3.4 A decision maker may only make a Key Decision in accordance with the requirements of Procedure Rule 3 - Executive Functions and Procedure Rule 1 - Access to Information, set out in Part 4 of this Constitution, and the legislative requirements regarding Key Decisions.

14.4 Decision Making

14.4.1 All decision making shall comply with the relevant Articles and Procedure Rules set out in the Constitution.

14.5 Decision Making by Council Bodies Acting as Tribunals

14.5.1 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 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.

Article 15 - Review and Revision of the Constitution

15.1 Review of the Constitution

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

To assist with undertaking this task the Monitoring Officer may:

15.1.2 observe meetings of different parts of the Member and Officer structure;

15.1.3 undertake an audit trail of a sample of decisions;

15.1.4 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and

15.1.5 compare practices in the Authority with those in other comparable authorities, or national examples of best practice.

15.2 Changes to the Constitution - Approval

15.2.1 Except as provided by Article 4.2, changes to the Constitution will only be approved by the full Council (by way of recommendation or direct report), subject to the Monitoring Officer being in agreement with the proposed changes.

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

Limit to Suspension

- 16.1.1 The Articles of this Constitution may not be suspended.
- 16.1.2 Procedure Rules may be suspended by the full Council to the extent permitted within those Rules and the law. Procedure Rules relating to the Executive and Committees may be suspended by the Executive or the Committee as the case may be to the extent permitted within those rules and the law.

Procedure to Suspend

- 16.1.3 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present.
- 16.1.4 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

- 16.2.1 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

- 16.3.1 The Proper Officer will ensure that the Constitution is available on the eMembers' Room intranet, electronically available for inspection at Council Offices, and accessible on the Council's website.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

- (i) Article 6 - The Leader and Deputy Leader of the Council;
- (ii) Article 7 - The Executive, and Procedure Rule 3 - Executive Functions;
- (iii) Article 8 - Overview and Scrutiny Arrangements, and Procedure Rule 5 - Overview and Scrutiny;
- (iv) Article 14 - Decision Making, and Procedure Rule 1 - Access to Information; and
- (v) Part 3a (Responsibility for Functions).

Part 3a

Responsibility for Functions

Table 1 – Responsibility for Local Choice Functions

Function	Decision Making Body	Membership	Delegation of Functions
1. Discharge any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Leader	n/a	See Officer Scheme of Delegation and Leader's Scheme of Delegation
2. Determine an appeal against any decision made by or on behalf of the authority	Licensing and Regulatory Committee	15 Members	“
	Employment Committee	5 Members at least one of which must be an Executive Member	“
3. Discharge any function relating to contaminated land	Leader	n/a	“
4. Discharge any function relating to the control of pollution or the management of air quality	Leader	“	“
5. Serve an abatement notice in respect of a statutory nuisance	Licensing and Regulatory Committee	15 Members	“
6. Pass a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Licensing and Regulatory Committee	“	“
7. Inspect the authority's area to detect any statutory nuisance	Licensing and Regulatory Committee	“	“
8. Investigate any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee	“	“
9. Obtain information under section 330 of the Town and Country Planning Act 1990(a) as to interests in land	Planning Committee	19 Members	“

Function	Decision Making Body	Membership	Delegation of Functions
10. Obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976(b)	Council	51 Members	See Officer Scheme of Delegation and Leader's Scheme of Delegation
11. Appoint 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	Leader subject to the following exceptions: - Independent Persons (Standards Committee)	n/a	“
12. Make arrangements with other Local Authorities for the placing of staff at the disposal of those other Authorities	“	“	“
13. Approve Statement of Accounts	Executive	Leader, Deputy Leader and between 1 and 8 other Executive Members	n/a

Table 2 – Responsibility for Council Functions

Committee	Membership	Function	Delegation of Functions
Planning	19 Members of the Authority	<p>1. All functions of the Council as Local Planning Authority under the Town and Country Planning Acts and ancillary or other legislation including:</p> <ul style="list-style-type: none"> a) Planning applications including applications for CLEUD or CLOPUD b) Enforcement action c) Planning Agreements d) Advertisement Control e) All matters relating to Conservation Areas and Listed Buildings f) Minerals extraction and waste disposal proposals g) Tree preservation h) Reference from statutory undertakers i) Development proposals submitted on behalf of the County Council, Borough Council or any other statutory Authority or Government Department j) Control of the erection and demolition of buildings and structures and the use of land, building or structures k) Issue of certificates of appropriate alternative development l) Authorisation of entry on land m) Requiring discontinuance <p>2. All matters relating to building control functions including the relaxation and breaches of building regulations</p> <p>3. Advice to the Executive on the preparation, update and monitoring of the Local Plan and the development control guidance</p> <p>4. Any other matter arising from or relating to planning legislation</p> <p>(Note: In relation to the above Terms of Reference, Members’ attention is drawn to Procedure Rule 4.21.1 which states that a Committee may agree detailed operational protocols such as for public speaking arrangements)</p>	<p>Officer delegation - see schedule</p> <p>“</p> <p>“</p> <p>“</p>

Committee	Membership	Function	Delegation of Functions
Licensing and Regulatory Committee	15 Members of the Authority	<ol style="list-style-type: none"> 1. All functions of the Council in relation to licensing and regulation including: <ol style="list-style-type: none"> a) public entertainments b) cinemas and theatres c) sex establishments d) hackney carriage and private hire e) animal welfare f) food preparation g) betting, gaming and lotteries h) street & house to house collections i) markets and street trading j) takeaway food shops k) caravan and camping sites l) health and safety (otherwise than in the Council's capacity as employer) m) scrap metal and motor salvage registration process n) any other licensing/regulatory or individual applications for service not within the remit of another Committee 2. Application for registration of Small society lotteries (where the authority is minded to refuse and the applicant wishes to make representations) 3. Revocation of Small society lotteries (where the applicant has made representations) 4. Applications under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended 5. Review of premises license (in all cases) 	<p>Officer Delegation - see schedule</p> <p>“</p> <p>“</p> <p>“</p>

Committee	Membership	Function	Delegation of Functions
Licensing and Regulatory Sub-Committees (cont.)	3 Members of the Authority	20. Application for a Provisional Statement (where representations have been received and not withdrawn)	“
		21. Application for club gaming/club machine permits (where objections have been made and not withdrawn)	“
		22. Cancellation of club gaming/club machine permits (in all cases)	“
		23. Refusal of club gaming/club machine permits (unless the applicant/objectors agree that a hearing can be dispensed with)	“
		24. Application for licensed premises gaming machine permits (where Officers have notified the applicant of their intentions to refuse and the applicant has made representations)	“
		25. Applications for other permits (where officers have notified the applicant of their intentions to refuse and the applicant has made representations)	“
		26. Grant or vary a licensed premises gaming machine permit for either a smaller number of machines specified in the application, and/or different category of machine than specified in the application (where the applicant has made representations)	“
		27. Cancellation of licensed premises gaming machine permits (where representations have been received and not withdrawn)	“
		28. Make an Order disapplying exempt gaming provisions and/or removal of automatic entitlement to make available two (category C or D) gaming machines for specified alcohol licensed premises (where the applicant has requested a hearing)	“
29. Consideration of temporary use notice (where objections have been made and not withdrawn)	“		

Committee	Membership	Function	Delegation of Functions
		30. Decision to give a counter notice to a temporary use notice (in all cases)	“

Committee	Membership	Function	Delegation of Functions
Overview and Scrutiny (contd.)	15 Members of the Authority	<p>13. Review summary internal audit reports and the main issues arising, and seek assurance that appropriate action has been taken where necessary</p> <p>14. Receive the annual report of the Chief Internal Auditor</p> <p>15. Be consulted upon reports received from External Audit and other inspection agencies.</p> <p>Crime and Disorder That for the purposes of the Police and Justice Act 2006 that the Overview and Scrutiny Committee be designated as the Crime and Disorder Committee with the following remit:</p> <p>16. Review or scrutinise decisions made, or action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions</p> <p>17. Make reports or recommendations to the responsible authority(s) with respect to the discharge of those functions</p> <p>Joint Scrutiny</p> <p>18. Carry out the scrutiny and reporting functions set out in the Local Government and Public Involvement in Health Act 2007 and the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 and any amendments made thereto, and in particular:</p> <p>19. Scrutinise the improvement targets contained in the Surrey Local Area Agreement (SLAA)</p> <p>20. Make reports or recommendations to the SLAA partners with respect to the matters that relate to a relevant SLAA target</p> <p>Generally</p> <p>21. Report annually to the Council on the Committee's work and (following consultation with the Executive) upon the future Work Programme for the Committee</p>	<p>n/a</p> <p>“</p>

Committee	Membership	Function	Delegation of Functions
Overview and Scrutiny (contd.)	15 Members of the Authority	22. Appoint panels as necessary to carry out and report upon the work of the Committee 23. Consider any valid Councillor Call for Action 24. Ensure effective scrutiny of the treasury management strategy and procedures	n/a “ “
Standards	5 Members of the Authority together with the following non-voting co-opted members: - two independent persons; - one representative of the Town and Parish Councils.	1. Promote and maintain high standards of conduct within the Council 2. Advise the Council on the adoption or revision of its Code of Conduct 3. Approve procedures and protocols associated with the Council's Standards Framework 4. Monitor the operation and effectiveness of the Code 5. Where appropriate, deal with allegations that a Member is in breach of the Code 6. Ensure that all Members receive training on the Code 7. Select for interview, interview and make recommendation to full Council on the appointment of Independent Persons under the Standards Framework 8. Grant dispensations to members with disclosable pecuniary interests 9. Exercise all of the appropriate functions set out above in relation to Horley Town Council and Salfords and Sidlow Parish Council 10. Deal with any matter referred by the Monitoring Officer	n/a “ “ “ “ “ “ “ “ “
Employment	5 Members of the Authority (politically balanced – to include at least one Member of the Executive)	1. Appointment/Dismissal & Disciplinary Action and appeals in accordance with Procedure Rule 9 - Officer Employment 2. Employee matters requiring approval by Members or falling outside the personnel policies and procedures	Officer Delegation – see schedule “

Responsible Party	Membership	Function	Onwards limits on delegations
<p>Property Executive Sub Committee</p>	<p>Membership will comprise the Leader, Deputy Leader, and Executive Members for Finance and Property.</p> <p>Membership will be reviewed from time to time and any changes or further appointments required will be determined by the Leader of the Council.</p> <p>Only members of the Executive may sit and vote on the Sub-Committee.</p> <p>A minimum number of three Executive Members will be needed to undertake the shareholder function.</p> <p>Substitutes may be permitted at the discretion of the</p>	<p>Company Secretary and Auditor</p> <ul style="list-style-type: none"> • To agree any Resourcing Agreement between the Council and company for the use of Council staff and facilities and reimbursement for the same • To agree any loan agreements or draw-down of Council financing (subject to funds being made available by Council) • To agree any reserved matters required by the Articles of Association or Shareholder Agreement • To agree the Articles of Association or any amendment thereof <p>Purpose</p> <p>To exercise the function of the Council as a shareholder in relation to the Council's property trading company.</p> <p>Remit</p> <p>To undertake all functions of the Council as a shareholder under the Company Act 2006 in relation to the Council's property company, which may include without limitation:</p> <ul style="list-style-type: none"> • To determine the Shareholder Agreement between the Council and the company including Business Plan • To appoint and dismiss directors of the company (where power is reserved to the shareholder) • To agree any Directors Service Agreements (if required) • Appointment and removal of a 	

Responsible Party	Membership	Function	Onwards limits on delegations
<p>The Surrey Hills Board</p>	<p>Core Members (1 member from each):</p> <ul style="list-style-type: none"> - Natural England - Guildford Borough Council - Mole Valley District Council - Reigate and Banstead Borough Council - Surrey County Council - Tandridge District Council - The National Trust - Waverley Borough Council <p>Advisory Members:</p> <ul style="list-style-type: none"> - Parish and Town Councils (2 members) - Up to 4 representatives from other governmental and voluntary agencies 	<p>1. Exercise the Council’s statutory powers to prepare and review the Surrey Hills Area of Outstanding Natural Beauty Management Plan</p>	<p>n/a</p>
<p>Surrey First Joint Committee</p>	<p>One Member each representing:</p> <ul style="list-style-type: none"> - each Surrey District - Surrey County Council - the Surrey Police Authority 	<ol style="list-style-type: none"> 1. Oversee joint working arrangements of the Authorities 2. Promote good working practices amongst the Authorities 3. Identify the range of services for inclusion in a Joint Venture Company (JVC) 4. Approve the draft Articles and Memorandum of Association of the JVC 5. Approve the draft revised Terms of Reference for the Joint Committee to provide for governance and oversight of the JVC 6. Manage the project budget 	<p>n/a</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

Responsible Party	Membership	Function	Onwards limits on delegations
Police and Crime Panel (Joint Committee)	One Member representing each Surrey District, the Surrey County Council and 2 Independent Members	<ol style="list-style-type: none"> 1. Review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (PCC) and make a report and recommendations to the PCC, who must have regard to them 2. Review the PCC's annual report and ask questions, make reports and recommendations at a public meeting, which the PCC must attend 3. Review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions 4. Publish any reports or recommendations made to the PCC 5. Require the PCC and members of their staff to attend the Police & Crime Panel to answer questions 	<p>n/a</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

Responsible Party	Membership	Function	Onwards limits on delegations
Police and Crime Panel (Joint Committee) (contd.)	One Member representing each Surrey District, the Surrey County Council and 2 Independent Members	<p>6. Hold a confirmation hearing to review, make a report and recommendation in respect of certain senior appointments made by the PCC</p> <p>7. Hold a confirmation hearing to review and make a report on the proposed appointment of the Chief Constable, with the power to veto the appointment by a 2/3 majority</p> <p>8. Hold a scrutiny hearing to review and report on the PCC's proposals to remove a Chief Constable</p> <p>9. Review the PCC's level of precept, with the power to veto the precept by a 2/3 majority</p> <p>10. Suspend the PCC on their being charged with certain criminal offences</p> <p>11. Appoint an acting PCC where the elected PCC is incapacitated, resigns or is disqualified</p> <p>12. Handle complaints about the conduct of the PCC and/or Deputy PCC and engage in informal resolution of such complaints, passing serious complaints to the Independent Police Complaints Commission (IPCC) as appropriate</p> <p>13. Only exercise functions conferred by the Police Reform and Social Responsibility Act 2011</p>	<p>n/a</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>

Part 3b

Officer Scheme of Delegation

Contents

Section	Function
1	General
2	Finance
3	Land & Property
4	Environmental Health
5	Housing and other residential accommodation
6	Human Resources
7	Planning & Development
8	Street scene
9	Leisure, parks and open spaces

Notes

1. The authorised Officers, as defined in this Officer Scheme of Delegation (“the Scheme”), acting personally, shall only exercise the delegated powers referred to in the Scheme and also such powers as may be specifically authorised to a particular Officer from time to time.
2. The authorised Officers may authorise other officers to take decisions under the Scheme. Authorisations must be set out in writing and be signed and dated by the authorised officer. A copy of all authorisations should be sent to the Monitoring Officer and relevant Executive Member. Responsibility for decisions remains with the authorised officer, as set out in the Scheme.
3. The exercise of delegated powers shall be subject to compliance with statutory requirements, Procedure Rules and the Council's policy and budget framework, as set out in the Constitution and in particular as described in the Scheme.
4. Where a post to which a function has been delegated is vacant, or where the post holder is absent (i.e. on annual or sickness leave), the Chief Executive or in his absence the relevant Director shall designate another Officer to exercise the delegation, or the delegation shall be exercised by the Chief Executive or Director, subject to compliance with Note 3 above.
5. Where reference is made to any Statute, Order, Regulation, Byelaw or other provision, this Scheme shall be construed as relating to any modification, amendment or re-enactment. Reference to any statute includes any Order, Regulations or Byelaw made under it and any Guidance or Codes of Practice in respect of it, as well as any new statutory provision related to that function, other than those where a specific delegation is required by Members.
6. For the avoidance of doubt, this means that where new legislative provisions are introduced for a delegated function, the relevant authorised Officer responsible for the function to which it relates will automatically be authorised to exercise any powers in that Act unless the legislation specifically reserves such actions to Members or requires their formal adoption by the Council.
7. The Officer initiating action is under a duty to consult with other Officers as appropriate, **and in particular the Chief Finance Officer and the Monitoring Officer.**
8. Unless otherwise stated the Officer exercising the delegated powers shall also be authorised as the "Proper Officer" for those powers in accordance with the relevant legislation.
9. Where two Officers are shown e.g. "HOS/CFO" there is full delegation to the first named officer only but that delegated power shall only be exercisable after consultation with the second named officer.
10. Where delegations refer to finance or procurement, they should be read in conjunction with the appropriate Procedure Rules.
11. Whilst general delegations have been authorised under the Finance and Contract Procedure Rules, these must be read in conjunction with and do not override any specific delegations granted under the following sections.
12. The Monitoring Officer shall determine any issues as to the form and manner of the Scheme's operation, implementation or interpretation, for example, where clarification is required as to which officers can exercise a delegation or which Executive Member(s) must be consulted, or referred to in paragraph 6 above.

13. Alterations, amendments and additions to the Scheme are approved in the following ways:
- Non-Executive Functions – by full Council;
 - Executive Functions – by the Leader of the Council.

Where a delegation is listed as being both Executive and Non-Executive functions, advice should be sought from the Monitoring Officer regarding the individual circumstances.

Abbreviations

CE	Chief Executive
HPS	Officer appointed as the Head of Paid Service under section 4 of the Local Government & Housing Act 1898
CFO	Officer appointed to discharge the Chief Finance Officer's duties under section 151 of the Local Government Act 1972
MO	Officer appointed as the Council's Monitoring Officer under section 5 of the Local Government & Housing Act 1898
D	Director of Service
HOS	Head of Service
ERO	Electoral Registration Officer
RO	Returning Officer
EM	Executive Member - a Member of the Executive to whom the Leader has allocated responsibility for a portfolio of services
Committee Chairman	The Member elected to act as Chairman of any of the Council's Committees
Technical Officer	Officer(s) with professional or technical expertise specifically appointed to act under defined legislation

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
1. GENERAL				
Legal				
<p>1.1 Authorise and institute legal proceedings (including the appointment of any Legal Assistants or Counsel) in respect of any Statute, Order, Regulation, Byelaw or other provisions of the common law, whereby the Council, or its Chief Officers has a right other than where specific authority has been given to another officer as set out in the scheme:</p> <p>(i) to take action in any Court, or before any Tribunal, Hearing or any Commission, or any Commissioners</p> <p>(ii) for the recovery or enforcement of any debt, penalty, or right to which the Council is believed to be entitled, including (without prejudice to the generality of the foregoing), any expenses incurred by the Council in carrying out works in default of compliance with any Notice or requirement of the Council</p> <p>(iii) to make application for, or to oppose or support any other person or body's application for any Licence, Justices Licence, Warrant, Order, Notices, or other legal./judicial applications</p>	<p>Local Government Act 1972</p> <p>Local Government Finance Act 1988 & 1992.</p> <p>Courts and Legal Services Act 1990</p> <p>And all other enabling legislation</p>	<p>HOS with responsibility for Legal</p>	<p>-</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.2 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 it is considered that such action is necessary to protect the Council's interests	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.3 Sign any document(s) necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.4 Seal any document with the Common Seal of the Council, where necessary to give effect to the decision	Local Government Act 1972 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.5 Give, make, publish or serve any Notices, Summonses or other documents in connection with proceedings, or arising out of any enactment the enforcement of which relates to the Council	Local Government Act 1972 Local Government Finance Act 1988 & 1992. Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.6 Take any necessary steps in connection with the conduct of legal proceedings, or the defence of any proceedings, including the instruction of Counsel or expert witnesses and the preparation of any necessary documentation / evidence	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Courts and Legal Services Act 1990 And all other enabling legislation	HOS with responsibility for Legal	-	Non-Executive / Executive
1.7 Subject to budget approval, carry out works in default of compliance with any Notice or requirement of the Council	Town and Country Planning legislation as above Highways legislation Building Control legislation	Relevant HOS	HOS with responsibility for Legal	Non-Executive / Executive
1.8 Determination of the Council's Advocate, the Council's witness, the form of the Council's Pre-Inquiry Statement and the list of documents and venue for all public Inquiries and Hearings	Town and Country Planning legislation as above	HOS with responsibility for Legal	Appropriate HOS	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
1.9 Waive any solicitor and client privilege attaching to documents in the Council's possession in any case where a complaint is made to the Ombudsman	-	HOS in respect of which the complaint is made Note: such waiver only to be exercised with the agreement of the MO	MO agreement required	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
<p>Appointments</p> <p>1.10 Appoint authorised Officers of the Council to undertake general powers of enforcement, to include but not limited to:</p> <ul style="list-style-type: none"> (i) enter any land or premises in connection with their statutory duties (ii) Take samples in connection with their statutory duties (iii) Carry out enforcement action in connection with their statutory duties (iv) Requiring information in connection with their statutory duties (v) Issue any Fixed Penalty Notices / Penalty Charge Notices that the Council has a statutory power, or is acting on behalf of the statutory agency, to issue 	<p>Town and Country Planning Act 1990</p> <p>Highways Act 1980</p> <p>Building Act 1984</p> <p>Public Health Act 1936</p> <p>Land Drainage Act 1976</p> <p>Environmental Protection Act 1990</p> <p>Dangerous Dogs Act 1991</p> <p>Dogs (Fouling of Land) Act 1996</p> <p>Clean Neighbourhood and Environment Act 2005</p> <p>And any other enabling legislation</p>	<p>Relevant HOS or other specifically designated and authorised Technical Officer.</p>	<p>HOS with responsibility for Legal</p>	<p>Non-Executive / Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/ Executive Function
1.11 Authorise and appoint appropriately qualified and competent persons: (i) as Inspectors; or (ii) to accompany inspectors onto premises	Health and Safety at Work etc Act 1974	Relevant HOS or other specifically designated and authorised Technical Officer.	HOS with responsibility for Legal	Non-Executive / Executive
1.12 Appoint representatives to outside bodies in cases where the nominations do not exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for outside bodies	-	Executive
1.13 Appoint representatives to outside bodies in cases where the nominations do exceed the number of vacancies	Local Government Acts 1972, 2000	HOS with responsibility for outside bodies	Relevant EM and respective Group Leaders	Executive
1.14 Confirm appointment of representatives to outside bodies in cases where the appointment has been subject to the election process	Local Government Acts 1972, 2000	HOS with responsibility for outside bodies	Relevant EM and relevant Group Leader(s)	Executive
1.15 Authorise directed surveillance and use of covert human intelligence sources	Regulation of Investigatory Powers Act, 2000	HOS with responsibility for Legal	-	Non-Executive
1.16 Authorised to make all necessary arrangements with Public Sector Audit Appointments to secure the appointment of external auditors for 2018/19 and beyond	Local Audit and Accountability Act 2014	HOS with responsibility for Finance	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
Partnership				
1.17 Work in partnership with other local authorities, not-for-profit organisations and government agencies in relation to ad hoc initiatives subject to the Council or its residents benefiting and without additional costs falling to the Council	-	Relevant HOS	-	Non-Executive / Executive
1.18 Represent the Council on partnership groups, boards and bodies	-	CE	Relevant EM	Non-Executive / Executive
1.19 Respond to consultations from Government, Agencies, Local Authorities or other organisations on behalf of the Council	-	HOS	Appropriate EM or Committee Chairman	Non-Executive / Executive
Elections				
1.20 Maintain Register of Electors; and	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive
1.21 Increase fees in respect of staff employed at elections in line with the annual pay award for Local conditioned staff	Representations of the People Acts 1949, 1983, 1985, 1989 and 2000	ERO	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
1.22 Where it is impractical to report to Council, designate Polling Places subject to the usual consultation on any changes being proposed	Representation of the People Act, 1983	ERO	-	Non-Executive
<p>Service Delivery</p> <p>1.23 In the case of the failure of a contract, take the necessary action to ensure least disruption to service (for report to the next meeting of the Executive)</p>	-	Relevant HOS	CFO and appropriate EM	Executive
<p>Access to Information</p> <p>1.24 Process applications for access to information held by the Council</p>	<p>Freedom of Information Act 2000</p> <p>Data Protection Act 1998</p> <p>Environmental Information Regulations 2004</p> <p>Access to Personal Files Regulations 1989</p>	<p>HOS with responsibility for Access to Information</p> <p>HOS with responsibility for Housing</p>	<p>-</p> <p>-</p>	<p>Executive</p> <p>Executive</p>
1.25 Amend from time to time, as required, the Publication Scheme	Freedom of Information Act 2002.	HOS with responsibility for Access to Information	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
1.26 Determine whether any complaints or petitions are vexatious, abusive or otherwise inappropriate	-	HOS with responsibility for Democratic Services	-	Non-Executive
Appointment to Committees				
1.27 Make changes to party representation on line committees (including adding/removing substitutes)	-	HOS with responsibility for Democratic Services	Group Leaders	Non-Executive
Corporate Business Plan				
1.28 Amend the Corporate Business Plan in response to service and financial planning.	-	HOS with responsibility for Performance	Leader	Executive
Customer Services				
1.29 Implement customer service changes, including the premises aspects to deliver the objectives set out in the Customer Services Framework subject to being satisfied that resident needs will continue to be met and suitable alternative provision is available to partner organisations	Section 3 of the Local Government Act 1999	HOS with responsibility for Customer Services	EM with responsibility for customer service and relevant Ward Members	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
Community Right to Bid				
1.30 Determine Nominations to List Assets of Community Value for the area in which the property is located	Localism Act 2011	HOS with responsibility for Development Management	Appropriate EM and the Ward Members	Executive
1.31 Agree and arrange the payment of compensation under the Right to Bid scheme	Localism Act 2011	CE	Appropriate EM and the Ward Members	Executive
1.32 Determine appeals in relation to the listing and compensation reviews	Localism Act 2011	HOS with responsibility for Legal Services	-	Executive
Member Code of Conduct				
1.33 Establish and maintain registers of interest for the Borough and Parish Councils	Localism Act 2011	MO	-	Non-Executive
1.34 Authority to pay reasonable expenses to the Independent Person to the Borough Council	Localism Act 2011	MO	-	Executive
1.35 Implement the procedures for dealing with complaints under the Member Code of Conduct	Localism Act 2011	MO	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive/Executive Function
<p>Safeguarding</p> <p>1.36 Refresh the Safeguarding Children and Vulnerable Adults Policy regularly as and when new legislation comes into force, except when any significant variations of approach are proposed</p>	Children Act 2004	HOS with responsibility for Environmental Health and Community Safety	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2. FINANCE				
<i>Local Taxation</i>				
2.1 Determine all aspects of Council Tax administration, inspection, recovery, collection, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	CFO	-	Non-Executive / Executive
2.2 Employ Bailiffs, including power to appoint additional Bailiffs as required	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Local Government Act 2003	CFO	-	Executive
2.3 Determine all aspects of National Non Domestic Rates (Business Rates) administration, inspection, recovery, collection, relief, refund and exercise of discretion in accordance with any statute or statutory regulations except for matters specifically reserved for Council or Executive or requiring consultation first with the Monitoring Officer	Local Government Finance Act 1988 & 1992	CFO	EM with responsibility for Finance	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.4 Consider applications from recreational organisations for discretionary rate relief for business rates taking into account the evaluation criteria	-	HOS responsible for Revenues	Appropriate EM.	Executive
General Financial Management				
2.5 Authorised to undertake any minor amendments to the Contract Procedure Rules as may be necessary to comply with any future legislative requirements.	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance CFO	Executive
2.6 Authorised to undertake any minor and administrative amendments to the Contract Procedure Rules as may be necessary to achieve internal practical implementation and compliance	Section 135 of the Local Government Act 1972	MO	EM with responsibility for Finance CFO	Executive
2.7 Design, set, waive and levy individual fees and charges which the Council is entitled to levy (statutory and non-statutory)	All enabling legislation	HOS for appropriate service	CFO and appropriate EM	Non-Executive / Executive
2.8 Determine applications for capital grants, including Local Area Capital Grants, and allocate core grant funding	Localism Act 2011	HOS with responsibility for capital grants and voluntary sector funding	EM with responsibility for capital grants and core grant funding, and other relevant EMs as appropriate	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.9 Approve Councillor Community Awards in accordance with the agreed criteria	Local Government Act 2000	HOS with responsibility for voluntary sector grants	EM with responsibility for the Voluntary Sector	Executive
2.10 Approve grants to local businesses in accordance with the agreed criteria	Local Government Act 2000	HOS with responsibility for business grants	EM with responsibility for the economy	Executive
2.11 Incur necessary expenditure in the event of a civil emergency in conjunction with the Council's response to the incident	-	CFO	-	Non-Executive
2.12 Changes within the total budget allocated	-	HOS where change is within single service area CFO where change is between different areas of accountability	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.13 Take any steps necessary for the recovery of debts and write off irrecoverable amounts up to the limits determined by the Financial Procedure Rules	Local Government Act 1972 Local Government Finance Act 1988 & 1992 Companies Acts & Insolvency Act 1986	CFO	-	Executive
2.14 Prove debts in liquidation and bankruptcy proceedings and sign any relevant documents	Local Government Act 1972 Companies Acts & Insolvency Act 1986 Local Government Finance Act 1988 & 1992	CFO	-	Executive
2.15 Propose and determine the Schedule of Payments to precepting Authorities	Local Government Finance Act 1988 & 1992	CFO	-	Non-Executive
2.16 Determine the mortgage interest rate on variable rate mortgages arranged prior to 3 rd October, 1990	-	CFO	-	Non-Executive
2.17 Authorise the collection of revenues and disbursements of monies from the Collection Fund	Local Government Act 1972 Local Government Finance Act 1988	CFO	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.18 Determine whether expenditure which is to be reimbursed, or met out of money provided by another person, is to be capitalised	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.19 Determine if a credit approval is to be used: (a) as authorisation to capitalise expenditure; or (b) as authorisation to enter into a credit arrangement	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.20 Determine if usable capital receipts are to be applied: (a) to meet expenditure incurred for capital purposes; or (b) as (voluntary) provision for credit liabilities and where voluntary provision for credit liabilities is made, provide credit cover for the entering into of a credit arrangement where a determination to this effect is required	Local Government and Housing Act 1989	CFO	-	Non-Executive
2.21 Determine the amount (being not less than the required minimum revenue provision for the year) to be set aside from revenue account as provision for credit liabilities and where such provision is made to provide credit cover for entering into a credit arrangement	Local Government and Housing Act 1989	CFO	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.22 Take all executive decisions in respect of implementing the Council's Treasury Management Policy and Annual Treasury Management Strategy	-	CFO (Note: In the case of any investment transaction above £1 million this delegation can only be exercised by the CFO and cannot be delegated further – see 2008/09 Minute 93).	-	Executive
2.23 Estimate and notify to the relevant authorities any amounts in respect of a surplus or deficit on the Council's collection fund for any year	Local Government Finance Act 1988	CFO	-	Executive
2.24 Manage the Insurance fund and determine the Council's insurance requirements	Local Government Finance Act, 1988	CFO	-	Executive
2.25 Submit Annual Trustee Reports to the Charity Commission (2002/03 Minute 68, page 151)	-	CFO	EM with responsibility for Finance.	Non-Executive
2.26 Subject to Financial Services confirming that sufficient funding remains and certifying that the proposed expenditure is in accordance with the terms of the relevant section 106 obligation(s), (including those related to affordable housing), permit expenditure as follows:	-			

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
(a) Sums up to and including £75,000		HOS with responsibility for Regeneration	-	Executive
(b) Sums more than £75,000 up to and including £250,000		HOS with responsibility for Regeneration	-	Executive
2.27 Subject to Financial Services confirming that sufficient funding remains, agree spend from the Corporate Plan Delivery Fund	-	CE	-	Executive
2.28 Charge customers who pay for goods and services by a credit card, a transaction charge that equates to the cost that the Council has incurred in processing that transaction	-	CFO	-	Non-Executive / Executive
2.29 Administer and release partnership funds in accordance with Government guidance and criteria	-	CFO	-	Executive
2.30 Submit bids for funding to government and government agencies, subject to the Council or its residents benefiting, and without additional costs falling to the Council; and where successful, implement schemes for expenditure	-	HOS	Relevant EM and CFO	Non-Executive / Executive
2.31 Approve the use of the Families Support Programme Reserve	-	HOS with responsibility for Families Support Programme	EM with responsibility for Housing & Welfare	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
2.32 Approve the use of the High Street Innovation Fund Reserve	-	HOS with responsibility for Business & Community Engagement	EM with responsibility for Economy & Jobs	Executive
2.33 Approve the use of the Business Support Scheme Reserve	-	HOS with responsibility for Business & Community Engagement	EM with responsibility for Economy & Jobs	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>Benefits</p> <p>2.34 Determine all aspects of housing benefit, council tax benefit and second adult rebate administration, application, and determination including payment, overpayment, recovery, refund, and exercise of discretion in accordance with any statute or statutory regulations excluding matters reserved for consideration by an Appeals Tribunal</p> <p>2.35 Approve hardship relief in appropriate cases under the discretionary fund established as part of the Council Tax Support Scheme</p>	<p>Social Security Contributions & Benefits Act 1992</p> <p>Child Support, Pensions and Social Security Act 2000</p> <p>Social Security Administration Act 1992</p> <p>Welfare Reform Act 2007</p> <p>Social Security (Consequential Provisions) Act 1992</p> <p>Social Security Act 1998</p> <p>And all other enabling legislation and regulations</p> <p>The Local Government Administration Act</p>	<p>HOS with responsibility for Benefits</p> <p>HOS with responsibility for Council Tax</p>	<p>-</p> <p>EM with responsibility for Housing</p>	<p>Non-Executive / Executive</p> <p>Non-Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>Fraud</p> <p>2.36 Undertake all functions in relation to the prevention, detection, investigation and prosecution of acts of fraud and corruption against the Council (2010/11 Minute 7, page 25)</p>	<p>The Local Government Act 1972</p> <p>The Local Government Finance Act 1988 & 1992</p> <p>Social Security Administration Act 1992</p> <p>The Fraud Act 2006</p> <p>Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation</p>	CFO	Subject to the approval of the Monitoring Officer, where the alleged fraudulent or corrupt activity has been committed by a Member of the Council	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>2.37 Undertake an annual review of anti fraud policies, plans and protocols and making minor changes to those documents, for example, to give effect to those that arise from legislative changes.</p> <p>(2010/11 Minute 7, page 25)</p>	<p>The Local Government Act 1972</p> <p>The Local Government Finance Act 1988 & 1992</p> <p>Social Security Administration Act 1992</p> <p>The Fraud Act 2006</p> <p>Together with all amendments thereto and any re-enactments thereof and such other appropriate legislation</p>	<p>CFO except that where the amendments are significant a report will be taken to the Executive for approval</p>	<p>EM with responsibility for Finance</p>	<p>Executive</p>
<p>2.38 Take all action as appropriate as the Council's designated Money Laundering Officer</p>	<p>Money Laundering Regulations 2003</p>	<p>CFO</p>	<p>-</p>	<p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3. LAND & PROPERTY				
3.1 Require information as to interests in land	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Legal	-	Non-Executive (Local Choice)
3.2 Take any necessary steps against encroachments on Council owned or managed land	Local Government Act 1972	HOS with responsibility for Property	Banstead Commons Conservators where appropriate	Executive
3.3 Take all action necessary in relation to property where miscellaneous Licences, Grants, Wayleaves, Easements and other agreements are required	Local Government Act 1972	HOS with responsibility for Property	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance and the CFO and the HOS with responsibility for Legal	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.4 Give written notice to the Authority of a proposal to seek permission for the development under the Town and Country Planning General Regulations 1976 in respect of approved schemes	Planning & Compensation Act 1991 Town & Country Planning General Regulations 1992	HOS with responsibility for Property	-	Executive
3.5 Determine requests for permission to site telecommunications masts on Council owned land	-	HOS with responsibility for Development Management subject to: (i) such decisions being made on the same basis and using the same criteria as those used to determine the Council's response as Planning Authority (i) HOS with responsibility for Property being satisfied as to the terms and conditions of any offer	Appropriate EM(s) and Ward Members	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.6 Approve rent, charges and serve Notices in respect of properties subject to rent review provisions	Local Government Act 1972	HOS with responsibility for Property.	-	Executive
3.7 Take all action necessary in relation to property subject to the Landlord and Tenant Acts, including grant of leases and service of all Notices, approval of terms and consent to assign and change of use	Local Government Act 1972	HOS with responsibility for Property	Subject in politically sensitive or financially significant cases to consultation with the EM with responsibility for Finance and the CFO	Executive
3.8 Select a third surveyor in relation to party wall matters	Party Walls etc. Act, 1996	HOS with responsibility for Property	-	Executive
3.9 Dispose of property with a value up to £500,000, in accordance with the approved disposal procedure and subject to the principles agreed for the management of property assets and the Council's agreed financial strategies	Local Government Act, 1972	HOS with responsibility for Property	EM with responsibility for Finance and other relevant EMs and CFO	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.10 Acquire sites utilising the prudential borrowing funded budget in the Capital Programme subject to the principles agreed for the management of property assets and the Council's agreed financial strategies	-	HOS with responsibility for Property	Leader of the Council, the EMs with responsibility for Finance, Regeneration and Planning and the CFO	Executive
3.11 Approve prudential borrowing, where considered to be the most appropriate funding option, to support property acquisitions, subject to the new acquisition providing adequate revenue income to support the cost of borrowing	Localism Act 2011	CFO	Leader, Deputy Leader and EMs with responsibility for Finance and Property	Executive
3.12 Approve property acquisitions up to a value of £5m subject to: (a) adequate funding being available within existing budgets or through prudential borrowing; and (b) the agreement of the Leader of the Council	Localism Act 2011	CE	The Deputy Leader, EMs with responsibility for Finance and Property, CFO, and HOS with responsibility for Property	Executive
3.13 Consider and determine applications for the release, variation or modification of covenants attached to former Council dwellings.	Housing Act 1985	HOS with responsibility for Property	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
3.14 In relation to voluntary sector support, determine the level of rental grant subsidy in conjunction with the use of the Council's property/assets by the voluntary community sector (2004/05 Minute 34, page 89)	-	HOS with responsibility for the Voluntary Sector.	EMs with responsibility for the Voluntary Sector, Finance and the relevant service and the HOS with responsibility for Property	Executive
3.15 Maintain Local Land Charges Register, issue Official Searches and deal with all other matters pertaining thereto	Local Land Charges Act 1975	HOS with responsibility for Legal	-	Executive
3.16 Authorise any exemptions from charges (additional to those detailed at 1990/91 Minute 109, Page 907) for use at the Town Hall, Reigate and other meeting facilities where alternative arrangements do not exist	-	HOS with responsibility for Facilities	EM with responsibility for Facilities	Executive
3.17 Submit Planning Applications in respect of Council owned land and buildings	Town and Country Planning Act 1990	HOS with responsibility for Property	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>3.18 Amend the Capital Programme to increase capital spend on a development scheme, subject to the following conditions:</p> <ul style="list-style-type: none"> • The net impact of any development scheme cost (compared to the estimated income) is neutral or positive • A report being provided to the following Council meeting explaining the reason for the amendment • The increase in capital spend does not exceed 10% of the development scheme value approved within the capital programme 	-	CFO	Leader, Deputy Leader and EMs with responsibility for Finance and Property	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4. ENVIRONMENTAL HEALTH¹				
<i>Water supply and drainage</i>				
4.1 Close or restrict use of water from polluted source of supply	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive / Executive (Local Choice)
4.2 Exercise the Council's powers in relation to the drainage of buildings, yards and passages	Building Act 1984	HOS with responsibility for Environmental Health	-	Executive
4.3 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies	Private Water Supplies Regulations 2009	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.4 Exercise the Council's powers, duties and functions in relation to the regulation of private water supplies.	Private Water Supplies Regulations 2016	HOS with responsibility for Environmental Health	-	Executive

¹ Please see also delegations 5.26 – 5.55 under *Private Sector Housing (and general public health)*.

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<i>Pest Control</i>				
4.5 Take any action necessary to reduce numbers of pigeons and other birds in built up areas	Public Health Acts 1936 & 1961	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
4.6 Exercise the Council's power in relation to the control of rats and mice	Prevention of Damage by Pests Act 1949	HOS with responsibility for Environmental Health	-	Non-Executive (Local Choice)
<i>Licensing</i>				
4.7 Consider and determine all applications, that is Grant, renew, transfer, suspend, refuse, revoke, attach or vary Conditions, regarding Licences, Registrations, Certificates and Permits and appeals for the licensing or registration of persons or premises	All legislation relating to the Council's Licensing Functions, not otherwise covered in the Scheme	HOS with responsibility for Licensing	-	Non-Executive
4.8 Suspend hackney carriage vehicle and drivers licences, private hire vehicles, drivers and operators licences	Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.9 Make representations about an application for a premises Licence, Club Premises certificate or Provisional Statement, and for applications to vary conditions	Licensing Act 2003 Gambling Act 2005	In respect of Licensing Act 2003: HOS with responsibility for Licensing, Environmental Protection Health and Safety In respect of Gambling Act 2005: HOS with responsibility for Licensing	-	Non-Executive
4.10 Grant in cases where there are no representations: (i) Application for a Personal Licence (ii) Application for a Premises Licence (iii) Application for a Club Premises Certificate (iv) Application for a Provisional Statement (v) Application to vary a Premises Licence (vi) Application to vary a Club Premises Certificate (vii) Application to vary Designated Premises Supervisor (viii) Application for transfer of premises licence (ix) Application for interim Authorities	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.11 Determine minor variation applications for premises licences and club premises certificates, including the decision whether to consult with the responsible authorities under sections 41A to 41C and 86A to 86C of the Act (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.12 Determine applications for community premises that wish to apply to sell alcohol without a Designated Premises Supervisor and Personal Licence holder under sections 25A and 41D of the Act, where no relevant representations have been received (2010/11 Minute 20)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.13 Grant Request to be removed as designated premises supervisor	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.14 Decide whether a representation is irrelevant, frivolous, vexatious etc.	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.15 Issue Counter Notices where the limitations relating to temporary event notices are exceeded (2004/05 Minute 84, page 265)	Licensing Act 2003	HOS with responsibility for Licensing	-	Non-Executive
4.16 Attach such conditions as are deemed appropriate and to decide an application for consent in accord with relevant provisions of the Sunday Trading Act 1994.	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.17 In connection with a Notice of Intention to open on Sundays, waive the requirement for 14 days prior notice to be given and similarly where ownership changes in respect of a "large shop" that previously traded on Sundays, the 14 day prior notice in respect of the new owner	Sunday Trading Act 1994	HOS with responsibility for Licensing	Chairman of Licensing and Regulatory Committee	Non-Executive
4.18 Determine applications by Motor Salvage Operators (2002/03 Minute 67, page 151)	Vehicles (Crime) Act 2001	HOS with responsibility for Licensing	-	Non-Executive
4.19 Make an application to review a premises licence	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.20 Grant in cases where there are no representations: (i) Application for Premises licences (ii) Application for a variation to a licence (iii) Application for a transfer of a licence (iv) Application for a Provisional Statement (v) Application for club gaming/club machine permits (vi) Application for permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.21 Determine applications for other permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.22 Cancel licensed premises gaming machine permits	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.23 Decide whether a complaint is irrelevant, frivolous, vexatious, or will certainly not influence the authority's determination of the application	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.24 Determine applications to register, or revoke small scale lotteries where the applicant does not wish to make representation	Gambling Act 2005	HOS with responsibility for Licensing	-	Non-Executive
4.25 Determine licence applications, revoke licences and undertake enforcement action in relation to scrap metal dealers	The Scrap Metal Dealers Act 2013	HOS with responsibility for Licensing	-	Non-Executive
Food Safety				
4.26 Enforce relevant statutory provisions	Food Safety Act 1990 and all other enabling legislation	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.27 Exercise the Council's power in relation to the slaughter of animals including:	Slaughterhouses Act 1974 (as amended by the Welfare of Animals at Slaughter Act 1991)	HOS with responsibility for Food Safety	-	Non-Executive
(i) Registration of knackers yards where slaughter takes places				
(ii) Licensing of Slaughtermen				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.28 Require access to and ensure appropriate provision of sanitary facilities for the disabled at premises open to the public	Sick and Disabled Persons Act 1981	HOS with responsibility for Food Safety	-	Non-Executive
4.29 Serve notices requiring information to be provided (in relation to water supply)	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Executive
4.30 Serve notices in respect of water that is not wholesome	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.31 Notification of the water undertaken of any unwholesome or insufficient supply of any supply that may cause danger to life or health	Water Industry Act 1991	HOS with responsibility for Food Safety	-	Non-Executive / Executive
4.32 Grant, refuse or revoke approvals to premises under the relevant provisions of any product specific Regulations	Food Safety Act 1990	HOS with responsibility for Food Safety	-	Non-Executive
4.33 Authorise members of staff, and individuals in partner organisations where appropriate, to take enforcement function, in line with the relevant Enforcement Policy (2007/08 Minute 15, page 72)	Health Act 2006 (Section 10) and the Smoke Free (Premises and Enforcement) Regulations 2006	HOS with responsibility for Food Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.34 Exercise the Council's powers, duties and functions in relation to major food contamination	Food and Environment Protection Act 1985	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.35 Exercise the Council's powers, duties and functions in relation to the regulation of consumer information on allergens in food	Food Safety Addition (Dec 2014) EU Food Information to Consumers Regulation (EU) No. 1169/2011	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.36 Exercise powers available in relation to enforcement of food hygiene and safety provision under the European law	European Communities Act Regulation EC Nos. 178/2002 852/2004 853/2004 854/2004 2073/2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
Health and Safety at Work				
4.37 Agree transfers and assignments between the Health and Safety Executive and the Council	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive
4.38 Enforce relevant statutory provisions	Health & Safety at Work Act, etc 1974	HOS with responsibility for Health and Safety	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.39 Exercise the Council's powers, duties and functions in relation to the regulation of sunbeds	Sunbeds (Regulation) Act 2010	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.40 Exercise the Council's powers, duties and functions in relation to Acupuncture, Tattooing, Ear-Piercing and Electrolysis	The Local Government (Miscellaneous) Provisions Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<i>Environmental Protection</i>				
4.41 Exercise the power to deal with a statutory nuisance including noise nuisance	Environmental Protection Act 1990	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.42 Serve Abatement Notices and abate statutory nuisances where an Abatement Notice has not been complied with and recovery of expenses	Environmental Protection Act 1990.	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.43 Carry out all the functions in relation to polluting activities requiring permits, including: (i) grant or refuse applications (ii) determine and review conditions to be attached to environmental permits (iii) vary environmental permits and conditions attached thereto (iv) revoke environmental permits (v) issue and serve enforcement notice (against breach of condition) (vi) issue and serve suspension notices (suspending the carrying out of all or part of an activity where an imminent risk of serious pollution arises)	Pollution Prevention and Control Act 1999	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
(vii) keep and maintain a public register of particulars relating to the discharge of functions (viii) determine applications from persons furnishing information to exclude such information from the register on grounds of commercial confidentiality	“	“	“	“
4.44 Prepare and maintain a register of prescribed particulars etc to comply with S 78.R EPA1990	Environmental Protection Act 1990	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.45 Exercise the powers and duties in connection with the prevention and remediation of prescribed pollution incidents	Environmental Damage (Prevention and Remediation) Regulations 2009	HOS with responsibility for Environmental Protection	-	Non-Executive
4.46 Carry out any necessary functions	Noise Act 1996	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.47 Exercise the powers of Inspector contained within Part V of the Environment Act 1995	Environment Act 1995	All Technical Officers appointed by the HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.48 Issue notices, exemptions and authorisations in relation to emissions into the atmosphere	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.49 Arrange for the review of air quality under the Environment Act 1995, and assessments against air quality standards and objectives	Environment Act 1995	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.50 Identify sites and determine whether land is contaminated and to carry out any necessary investigatory, enforcement or remediation action, including the service of notices, under Part IIA of the Environment Act 1990	Environment Act 1995	HOS with responsibility for Environment Protection	-	Non-Executive (Local Choice)
4.51 Administer all the provisions of the Clean Air Act 1993 where the Council is the enforcing authority for the purposes that include monitoring, preventing and controlling air pollution	Clean Air Act 1993	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.52 Exercise powers relating to (a) the control of noise from construction sites and (b) the investigation and requirement of information in relation to the control of noise (2004/05 Minute 98, page 229)	Control of Pollution Act 1974	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)
4.53 Exercise powers and take action under Sections 77, 78 and 79 of Part 7 of the Act (2005/06 Minute 211, page 611)	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Protection	-	Non-Executive (Local Choice)

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.54 Agree appointments of proper officers outside of the authority	Public Health (Control of Disease) Act 1984, National Assistance Act 1948 and the Milk and Dairies	HOS with responsibility for Environmental Health	-	Non- Executive
4.55 Make minor or technical changes to the Contaminated Land Inspection Strategy to ensure that it is up to date	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Executive
Enforcement Policy				
4.56 Refresh the Environmental Health Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Executive
Community Safety				
4.57 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Civil Injunctions	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.58 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the use of Community Protection Notices and its breach including: <ul style="list-style-type: none"> (i) destruction or disposal of an item forfeited by court order (ii) seizure of an item used in the offence under a warrant (iii) issue of a Fixed Penalty Notice 	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.59 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Public Spaces Protection Orders and its breach including: <ul style="list-style-type: none"> (i) issue of a Fixed Penalty Notice 	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
4.60 Exercise the Council's powers, duties and functions to address anti-social behaviour in relation to the making of Closure Notices	Anti-social Behaviour, Crime and Policing Act 2014	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
Parking Services				
4.61 Manage and operate on-street parking controls on behalf of and by agreement with Surrey County Council (the Highways Authority)	Traffic Management Act 2004 and associated legislation	HOS with responsibility for Parking Services	-	Executive
4.62 Manage and operate the Council's car parks and any other car parks which the Council is authorised to operate	-	HOS with responsibility for Parking Services	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
4.63 Grant all permission, authorisations, relaxations or exemptions as the Council may be so authorised under the provisions of the Borough of Reigate and Banstead (Off-Street Parking Places) Order 2009 and all amendments thereto	-	HOS with responsibility for Parking Services	-	Executive
4.64 Agree any free parking in each Town Centre	-	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
4.65 Make decisions and issue all subsequent notices to vary the charges for off-street parking as detailed in the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive
4.66 Make decisions, issue all notices required and deal with all consultation responses to amend the Off-Street Parking Order	Road Traffic Regulation Act 1984 and regulations made thereunder	HOS with responsibility for Parking Services	EM with responsibility for Parking Services	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5. HOUSING AND OTHER RESIDENTIAL ACCOMMODATION				
5.1 Exercise the Council's powers, duties and functions in relation to individuals or households that are homeless or potentially homeless, including: determining and reviewing applications; and providing temporary and emergency accommodation	Housing Act 1985 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.2 Enter into short term tenancies of properties to enable the Council to comply with its statutory duties as a housing authority	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.3 Approve applications for advances for house purchase and construction within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing and the CFO	Executive
5.4 Exercise the Council's powers, duties and functions in relation to complaints of, or potential, illegal eviction and harassment concerning residential accommodation, including: investigating complaints, instituting and conducting proceedings	Protection from Eviction Act 1977 (as amended by the Housing Act 1988) And any other legislation	HOS with responsibility for Housing	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.5 Exercise the Council's powers duties and functions in relation to the provision of information and advice to landlords, tenants, and homeowners including: the statutory rights and duties of landlords and tenants	Rent Act 1977 Housing Acts Homelessness Acts And other relevant legislation	As appropriate: HOS with responsibility for Housing HOS with responsibility for Environmental Health	-	Executive
5.6 Exercise the Council's powers duties and functions in relation to maintaining a housing register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.7 Exercise the Council's powers duties and functions in relation to maintaining a housing transfer register or list, including: processing, determining, refusing, and reviewing applications; removing and suspending applicants; determining priority of applicants and suitability of accommodation; running a choice-based allocation system; and nominating applicants to housing providers	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.8 Make minor changes to the housing register, nomination, homelessness & transfer policies and also, where necessary, agree local lettings policies for new and existing affordable housing	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.9 Enter into reciprocal, nomination and referral arrangements with other housing authorities, housing providers, statutory bodies and also for specific initiatives, including for witness protection and domestic violence and managing transfer lists on behalf of agreed housing providers	Housing Act 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Housing	-	Executive
5.10 Rehouse families where requested to do so by statutory bodies including when the Police ask the Council to move a family because there is risk to safety or to the life of one of the family members and also where a child in a family is in danger		HOS with responsibility for Housing	EM with responsibility for Housing	Executive
5.11 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.12 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Housing	EM with responsibility for Housing	Executive
5.13 Exercise the Council's powers, duties and functions to require means of escape from certain buildings	Building Act 1984 And other relevant legislation	HOS with responsibility for Building Control	-	Non-Executive
5.14 Manage agreements and other housing related deeds entered into with Registered Social Landlords and housing providers, including the Large Scale Voluntary Transfer Agreement (LSVT), and specifically to vary agreements where no additional cost would fall on the Council, including LSVT	-	HOS with responsibility for Housing	HOS with responsibility for Legal and CFO for variations	Executive
5.15 Determine the Council's support for bids by Registered Providers and others to the Homes & Communities Agency for affordable housing funding; or for funding for affordable housing from other sources	Housing Act 1996 Housing & Regeneration Act 2008 And other relevant legislation	HOS with responsibility for Housing	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.16 Exercise the Council's powers duties and functions in relation to the periodic review of the housing needs, housing supply, and housing conditions in the Borough	Housing Act 1985 Housing Act 2004 And other relevant legislation	As appropriate HOS with responsibility for Housing HOS with responsibility for Environmental Health	-	Executive
5.17 Approve applications for advances for house purchase, construction, improvement and repair within the Scheme approved from time to time by the Council	-	HOS with responsibility for Housing	CFO and EM with responsibility for Housing	Executive
5.18 Consider and determine applications for home loss and disturbance payments and make payments as necessary	Land Compensation Act 1973 Planning and Compensation Act 1991	HOS with responsibility for Housing	HOS with responsibility for Legal	Non-Executive / Executive
5.19 Exercise the Council's powers, duties and functions in relation to appeals to the First-tier Tribunal	Housing Act 2004 Section 231	HOS with responsibility for Environmental Health	HOS with responsibility for Legal	Non-Executive
5.20 Utilise up to £33,000 of the home repair capital budget to make grants or loans to organisations delivering relevant services	-	HOS with responsibility for Environmental Health	EM with responsibility for Environmental Health	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.21 Approve and confirm acceptance of the Homes & Communities Agency's Grant Funding Conditions, as necessary, for affordable housing; and for other housing projects and initiatives	-	HOS with responsibility for Housing	CFO	Executive
5.22 Make minor amendments to the Tenancy Strategy	Localism Act 2011	HOS with responsibility for Housing	EM with responsibility for Housing	Executive
5.23 Use Section 106 affordable housing contributions for the provision of temporary accommodation	Housing Act 1985	HOS with responsibility for Housing & Welfare	EMs with responsibility for Housing & Welfare and Property & Regeneration	Executive
5.24 Authorise expenditure on the provision of temporary accommodation from Section 106 affordable housing contributions as follows: (a) up to and including £75,000	Housing Act 1985	HOS with responsibility for Housing & Welfare	EMs with responsibility for Housing & Welfare, and Property & Regeneration	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
(b) from £75,000 to £250,000		HOS with responsibility for Housing & Welfare	EMs with responsibility for Housing & Welfare, and Property & Regeneration	Executive
5.25 Apply for an annual Direction from the Secretary of State for residential properties held outside of a Housing Revenue Account		HOS with responsibility for Housing & Welfare	-	Executive
Private Sector Housing (and general public health)²				
5.26 Exercise the Council's powers, duties and functions in relation to the cleansing of filthy or verminous premises, the cleansing or destruction of filthy or verminous articles, and the cleansing of verminous persons and their clothing	Public Health Act 1936 (as amended)	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
5.27 Exercise the Council's powers, duties and functions in relation to the Public Health (Control of Disease) Act 1984 and any regulations made thereunder	Public Health (Control of Disease) Act 1984	HOS with responsibility for Environmental Health	-	Executive

² Please see also delegations under *Section 4: Environmental Health*.

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.28 Exercise the Council's powers, duties and functions to repair of drains, etc. and remedy stopped up drains, etc; require disconnection of drains; cleanse/repair drains, etc; arrange loan of temporary sanitary conveniences	Public Health Act 1961 (as amended) Building Act 1984	HOS with responsibility for Environmental Health	-	Executive
5.29 Exercise the Council's powers, duties and functions to require removal of obstructions from private sewers	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Environmental Health	-	Executive
5.30 Exercise the Council's powers, duties and functions to arrange the clearance of blocked private sewers, drains or cesspools/septic tanks where there is the likelihood of a risk to public health and subject to a maximum cost of £1,000 in any one case	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Executive
5.31 Exercise the Council's, duties, powers and functions in relation to the declaration and revocation of declarations of houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.32 Exercise the Council's, duties, powers and functions in relation to the maintenance of registers of notices, orders and licences and management orders for houses in multiple occupation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.33 Approve applications for advances for house improvement and repair within the Scheme approved from time to time by the Council	Housing Acts 1985, 1988 and 1996 Homelessness Act 2002 and other relevant legislation	HOS with responsibility for Environmental Health	EM with responsibility for Housing and the CFO	Executive
5.34 Exercise the Council's powers duties and functions in relation to adaptations for people with disabilities in respect of residential accommodation, including: determining and reviewing applications for grants, payment and recovery of grants; and authorising Charges and Local Land Charge entries	Housing Grants Construction and Regeneration Act 1996 and other relevant legislation	HOS with responsibility for Environmental Health	-	Executive
5.35 Exercise the Council's powers, duties and functions in relation to applications for grants and loans in respect of repairs and minor works for residential accommodation including determining applications, payments of grants and loans, authorising Charges and Local Land Charge entries	Housing Grants, Construction and Regeneration Act 1996 And other relevant legislation	HOS with responsibility for Environmental Health Note: Any review must be undertaken by a different Officer to that tasking the initial decision	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>5.36 Exercise the Council's powers, duties and functions in relation to all types of grants and loans in respect of residential accommodation, including authorising the waiving of grant and loan repayments in the following circumstances:</p> <p>(i) where breach of conditions occur in the case of a property which is the subject of mortgage repossession and the owner is unable to fund repayment of both the outstanding mortgage and grant from the proceeds of the property sale; and</p> <p>(ii) where an owner makes a disposal of the property which is not an exempt disposal in order to take up residence in sheltered housing.</p> <p>and recovery of sums due to breaches in grant or loan conditions or where circumstances allow</p>	<p>Housing Grants, Construction and Regeneration Act 1996</p> <p>And other relevant legislation</p>	<p>HOS with responsibility for Environmental Health</p>	<p>HOS with responsibility for Legal and CFO</p>	<p>Non-Executive</p>
<p>5.37 Waive grant and loan repayments where there is evidence of both financial hardship and specific evidence of the grounds on which the waiving of grant repayment is sought</p>	<p>Housing Grants, Construction and Regeneration Act 1996</p> <p>And other relevant legislation</p>	<p>HOS with responsibility for Environmental Health</p>	<p>EM with responsibility for Housing</p>	<p>Executive</p>
<p>5.38 Approve any further applications for extensions to the Home Improvement Scheme to include other interested local authorities and not-for-profit organisations, subject to the Council not being involved in additional costs</p>	<p>-</p>	<p>HOS with responsibility for Environmental Health</p>	<p>EM with responsibility for Housing</p>	<p>Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.39 Carry out full procurement exercises to secure Home Improvement Agency and Handyperson services for so long as Surrey County Council provide funding for those services and in accordance with the funding and specifications they provide, and cancel any contracts for any such services	-	HOS with responsibility for Environmental Health	-	Executive
5.40 In relation to private sector housing repairs, adaptations and other works, agree exception cases up to the value of £1,000	-	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.41 Exercise the Council's powers, duties and functions in relation to the restoration or continuation of supply of water, gas or electricity to residential accommodation	Local Government (Miscellaneous Provisions) Act 1976	HOS with responsibility for Environmental Health	-	Executive
5.42 Exercise the Council's powers, duties and functions in relation to mobile homes and mobile home sites, including the service of notices, determining applications for licences, licensing sites, site conditions standards and improvements	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Mobile Homes Act 2013	HOS with responsibility for Environmental Health	-	Non-Executive
5.43 Exercise the Council's powers, duties and functions in relation to control of moveable dwellings	Public Health Act 1936	HOS with responsibility for Environmental Health	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.44 Sign, serve (including by electronic means) and issue Notices and Orders, take actions in default or otherwise and recover expenses, administration costs etc, in relation to housing and other residential accommodation including houses in multiple occupation; and for drainage purposes in respect of housing, other residential accommodation and non-residential premises as necessary	Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Public Health Act 1936 & 1961 Prevention of Damage by Pests Act 1949 Building Act 1984 Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Housing Acts and other relevant legislation	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.45 Authorise members of staff to request information and enter premises, residential accommodation, caravans, moveable dwellings, houses in multiple occupation and mobile home sites to inspect, take samples and collect evidence, including taking photographic evidence	Caravan Sites and Control of Development Act 1960 Caravan Sites Act 1968 Building Act 1984. Public Health Acts 1936 & 1961. Local Government (Miscellaneous Provisions) Acts 1976 & 1982 Local Government & Housing Act 1988	HOS with responsibility for Environmental Health	-	Non-Executive
5.46 Exercise the Council's powers duties and responsibilities in relation to standards and category 1 & 2 Hazards (as defined in Section 2 of the Housing Act 2004) in housing and residential accommodation including: <ul style="list-style-type: none"> (i) setting standards, inspecting properties, and enforcing standards; (ii) service, suspension and enforcement of hazard awareness and improvement notices and prohibition orders; (iii) emergency action and emergency prohibition orders 	Housing Act 2004	HOS with responsibility for Environmental Health	CFO for recovery of monies only	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.47 Exercise the Councils powers in relation to empty properties, including making and authorising of interim and final empty dwelling management orders, actions resulting from interim and final empty dwelling management orders; and payment of compensation as necessary	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive
5.48 Consult with the Fire and Rescue Service in respect of fire risk in certain residential accommodation	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.49 Exercise the Council's powers duties and functions in relation to licensing of houses in multiple occupation, including: (i) deciding which are to be licensed; (ii) temporarily exempt some from licensing; (iii) granting and refusing licences; (iv) tests of suitability, variation and revocation of licences; (v) licences, and procedures and appeals	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive Note: Licensing and Regulatory Committee are responsible for individual applications

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>5.50 Exercise the Council's powers duties and functions in relation to standards in, the management of, and overcrowding in, houses in multiple occupation, including:</p> <ul style="list-style-type: none"> (i) making and operating interim management orders; (ii) variation and revocation of interim management orders; (iii) making and operation of final management orders; (iv) variation and revocation of final management orders, procedural requirements and appeals; (v) management, termination of final management orders; (vi) making and enforcement of management regulations; (vii) and overcrowding notices and enforcement 	Housing Act 2004	<p>As appropriate</p> <p>HOS with responsibility for Environmental Health</p> <p>HOS with responsibility for Housing</p>	HOS responsible for Legal regarding appeals only	Executive
<p>5.51 To reduce HMO standards where it is considered unreasonable to meet them, i.e. they would result in the loss of a unit of accommodation or would lead to excessive costs</p>	Housing Act 2004	HOS with responsibility for Environmental Health	EM with responsibility for Housing	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.52 Exercise the Council's, duties, powers and functions in relation to: <ul style="list-style-type: none"> (i) requirements to produce documents; (ii) entry to premises; (iii) notice requirements for the protection of owners; (iv) dispensing with notices; (v) service of documents and service of documents in electronic form 	Housing Act 2004	HOS with responsibility for Environmental Health	-	Executive
5.53 Exercise the Council's powers duties and functions to deal with the abatement of overcrowding of residential properties	Housing Act 1985 And other relevant legislation	HOS with responsibility for Environmental Health	-	Executive
5.54 Exercise the Council's powers, duties and functions in relation to the imposition of civil financial penalties	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executtive
5.55 Exercise the Council's powers, duties and functions in relation to the imposition of rent repayment orders	Housing and Planning Act 2016	HOS with responsibility for Environmental Health	-	Executive
5.56 Exercise the Council's powers, duties and functions in relation to the enforcement of smoke and carbon monoxide alarm provisions	Smoke and Carbon Monoxide Alarm (England) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
5.57 Refresh the Housing Enforcement Policy regularly as and when new legislation comes into force, except when any significant variations of approach to regulation changes are proposed.	Legislative and Regulatory Reform Act 2006	HOS with responsibility for Environmental Health	-	Non-Executive
5.58 Exercise the Council's powers, duties and functions in relation to the enforcement of the Energy Performance Certificate (EPC) requirements.	Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	HOS with responsibility for Environmental Health	-	Executive
5.59 Exercise the Council's powers, duties and functions in relation to the enforcement of the requirement to belong to an approved scheme.	Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6. HUMAN RESOURCES				
<p>6.1 Take the necessary action to implement Local Conditions of Service:</p> <p>(i) in respect of qualification or determination of payment</p> <p>(ii) in respect of payment</p> <p>6.2 Determine additional leave in accordance with the Additional Leave Policy</p> <p>6.3 Move an existing Officer to a higher point within the existing grade, above a pay bar or above the maximum progression level</p> <p>6.4 Carry out grading reviews for existing posts and move a position to a different grade where justified</p>	<p>Local Government Act 1972</p> <p>Local Government Act 1972</p> <p>Local Government Act 1972</p> <p>Local Government Act 1972</p>	<p>HOS with responsibility for Human Resources</p> <p>CFO</p> <p>HOS for relevant service</p> <p>Relevant HOS</p> <p>Relevant HOS</p>	<p>-</p> <p>-</p> <p>-</p> <p>With the agreement of the HOS with responsibility for Human Resources</p> <p>HOS with responsibility for Human Resources and the Chairman of the Employment Committee</p>	<p>Non-Executive</p> <p>Non-Executive</p> <p>Non-Executive</p> <p>Non-Executive</p>

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.5 Approve payment of honoraria: <ul style="list-style-type: none"> (i) in accordance with employment terms and conditions (ii) in excess of employment terms and conditions 	Local Government Act 1972	Relevant HOS CE	With the agreement of the HOS with responsibility for Human Resources With the agreement of HOS with responsibility for Human Resources and the Chairman of the Employment Committee	Non-Executive
6.6 Agree the Human Resource Plan in accordance with the approved budget.	Local Government Act 1972	HPS	-	Non-Executive
6.7 Appoint and dismiss staff	Local Government Act 1972	HPS or HOS in accordance with the Employment Procedure Rules and other HR requirements	-	Non-Executive
6.8 Appoint an independent person in respect of any disciplinary action in relation to the statutory Chief Officers	Local Government Act, 2000	HOS with responsibility for Human Resources	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.9 In relation to recruitment and retention of staff, where there is a need for considering market supplements in other areas, the agreed criteria be applied and, where a payment is warranted, approve accordingly (2003/04 Minute 222)	Local Government Act 1972	Relevant HOS	CFO and the Chairman of the Employment Committee	Non-Executive
6.10 In relation to recruitment and retention of staff, where there is no longer a need for market supplements, remove accordingly	Local Government Act 1972	HOS with responsibility for Human Resources	CFO and relevant HOS	Non-Executive
6.11 Hear and determine grievances and appeals in accordance with the Council's approved Grievance Procedure (2006/07 Minute 50, page 218)	Local Government Act 1972	HPS / HOS in accordance with the Council's Grievance and appeals Procedures	-	Non-Executive
6.12 Agree minor changes, for example those that arise from legislative changes, to all Human Resources policies and procedures (2009/10 Minute 124, page 464)	-	HOS with responsibility for Human Resources	Attendees to the Local Joint Forum	Non-Executive
6.13 Agree new, or significant changes to, Human Resources policies and procedures	Local Government Act 1972	HPS	Attendees to the Local Joint Forum	
6.14 Make amendments to the Equality Policy and Equality Scheme	-	HOS with responsibility for Human Resources	EM with responsibility for Customer Services	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
6.15 Approve Early Retirement on efficiency grounds where there is a clear business benefit to be gained	The Local Government Act 1972	CE	HOS with responsibility for Human Resources; CFO and the Chairman of the Employment Committee.	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7. PLANNING & DEVELOPMENT				
7.1 Issue, service, publish, modify and withdraw all Notices, Counter notices, Objections to Notices, Certificates, Requisitions for Information, Orders, Directions and any other documents of a legal nature, together with the certification of such documents pursuant to any powers of the Council in connection with the Town and Country Planning legislation	All Town and Country Planning legislation	HOS with responsibility for Legal	-	Non-Executive
7.2 Issue, service, publish, modify and withdraw Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.3 Determine the following types of application (other than applications by Members or Officers of the Council or members of their families or where an Officer or Member is known to have an interest) including any related agreements or obligations arising from the granting of such applications: (i) extensions or alterations to residential dwellings including garages and other ancillary works (ii) erection of single dwellings (iii) residential development resulting in a net increase of one dwelling	Town and Country Planning legislation	HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>(iv) conversion of a building(s) into flats including associated alterations and extension</p> <p>(v) shop fronts</p> <p>(vi) consent to display advertisements</p> <p>(vii) all reserved matters</p> <p>(viii) Conservation Area and Listed Building consents, or the demolition or alteration of a building within a Conservation Area either where required in connection with a development where the HOS with responsibility for Development Management has delegated power to grant planning permission or where planning permission is not required;</p> <p>(ix) renewal of temporary permissions</p> <p>(x) Agricultural/ Telecommunication (including public call boxes and ancillary radio equipment houses)/Demolition development</p> <p><i>(N.B. In the case of agricultural determinations, details should always be requested in Areas of Outstanding Natural Beauty and Areas of Great Landscape Value. In all other cases, details will be requested only following consultation with any Ward Member(s) concerned and in accordance with Department of the Environment Guidelines)</i></p>				

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>(xi) changes of use not conflicting with Council policy and refusal of changes of use conflicting with Council policy</p> <p>(xii) demolition of buildings</p> <p>(xiii) provision of vehicular accesses</p> <p>(xiv) erection of fences/walls or other means of enclosure</p> <p>(xv) institutional, educational or commercial works not exceeding 100 sq. metres (gross external floorspace) – not including changes of use proposals</p> <p>(xvi) consent to store hazardous substances subject to the decision being in accordance with the views of the statutory consultees</p> <p>(xvii) variations of a minor nature to existing Section 52 or Section 106 Agreements</p> <p>(xviii) refusal of planning permission, listed building consent or conservation area consent in all other circumstances</p>		<p>HOS with responsibility for Development Management,</p>	<p>Subject to prior consultation with the Chairman of the Planning Committee</p>	

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
<p>All the foregoing to be subject to the proviso that such powers will not be exercisable by the HOS with responsibility for Development Management until either:</p> <ul style="list-style-type: none"> (a) the expiry of 21 days from the date of circulation of details of such applications to all Members of the Council and no objections to the level of delegation having been received in writing from any Member of the Council by the expiry of that period; (b) in the event of such objection being received, the withdrawal of such objection; or (c) in the event of amendments being received to such applications, a further 3 days be allowed to enable Members to raise an objection to the level of delegation 				Non-Executive
<p>7.4 Determine applications for:</p> <ul style="list-style-type: none"> (i) A Certificate of Lawfulness of existing use or development (ii) A Certificate of Lawfulness of proposed use or development (iii) The removal of or operations to preserved trees or trees in Conservation Areas 		HOS with responsibility for Development Management	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.5 Determine an application for renewal of permission	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.6 Determine an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted	Section 73 Town and Country Planning Act 1990	HOS with responsibility for Development Management	Chairman of Planning Committee as appropriate	Non-Executive
7.7 Determine an application for non-material amendment	Section 96A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.8 Exercise the Council's power to decline to determine an application for planning permission for the development of land	Section 70A Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.9 Exercise the Council's powers in relation to any notices including the decision to issue, serve, withdraw, modify or vary notices, the making and confirmation of orders, directions, etc., and the decision to carry out works in default	Town and country Planning legislation	HOS with responsibility for Development Management / HOS with responsibility for Legal	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.10 Exercise the Council's powers in relation to the decision to issue, serve, withdraw, modify or vary Planning Contravention Notices	Town and Country Planning Act 1990	HOS with responsibility for Development Management	-	Non-Executive
7.11 Recommend to the Department of Culture, Media and Sport spot listing of buildings of Architectural or Historic Interest	Town and Country Planning legislation as above	HOS with responsibility for Development Management	-	Non-Executive
7.12 Spotlist any historic gardens following consultation with the Surrey County Council historic gardens adviser and the Surrey Gardens Trust	-	HOS with responsibility for Development Management	Chairman of the Planning Committee	Non-Executive
7.13 Keeping of Registers in respect of: (i) Planning applications (ii) Notifications of Intentions to fell trees in Conservation Areas (iii) Enforcement Notices and Stop Notices Issue appropriate Decision Notices or Certificates following the determination of applications	Town and Country Planning Legislation	HOS with responsibility for Development Management	-	Non-Executive
7.14 Implement any actions necessary to transfer the functions of the Council within the remit of the Building Control Service to Tandridge District Council as Host Authority.	Section 101 Local Government Act 1972 (and Regulations made thereunder)	HoS with responsibility for Legal Services		

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.15 Exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default	Building Control legislation	HOS with responsibility for Building Control	-	Non-Executive / Executive
7.16 Exercise the powers and duties of the Council relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Building Control legislation	Any one of the Technical Officers specifically appointed for this purpose by the HOS with responsibility for Building Control	-	Non-Executive / Executive
7.17 Authorise the service of consents for hedgerows removal, hedgerow retention notices, hedgerow replanting notices and any other matters in relation to the operation of the Hedgerow Regulations 1997	Hedgerow Regulations 1997	HOS with responsibility for Development Management	-	Non-Executive / Executive
7.18 Vary Building Regulation Charges when considered necessary	The Building (Local Authority Charges) Regulations 1998	HOS with responsibility for Building Control	EM with responsibility for Planning or Chairman of the Planning Committee as appropriate	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.19 Decide whether to serve a High Hedge Remedial Notice or not and authorise and exercise the Council's power of entry (2005/06 Minute 7, page 33)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.20 Take direct action pursuant to a High Hedge Remedial Notice (2008/09 Minute 149, page 345)	Anti-Social Behaviour Act 2003	HOS with responsibility for Development Management	-	Non-Executive
7.21 Subject to Financial Services confirming that sufficient Community Infrastructure Levy funding remains, permit expenditure as follows: <ul style="list-style-type: none"> • Sums up to and including £100,000 	-	HOS with responsibility for Planning	-	Executive
7.22 Authorised to transfer Community Infrastructure Levy monies to infrastructure providers for projects on the Strategic Infrastructure Programme	Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)	Relevant Head of Service,	Relevant Portfolio Holder(s)	Executive
7.23 Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning/HOS with responsibility for Legal	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
7.24 Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and determination of liability, in respect of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.25 Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.26 Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy, in accordance with any relevant policies adopted by the Council	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive
7.27 Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements	Planning Act 2008 and Community Infrastructure Levy Regulations 2010	HOS with responsibility for Planning	-	Non-Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8. STREET SCENE				
8.1 Exercise the Council's functions under the Highways legislation including authorisation and issue, service, publication, modification and withdrawal of all Notices, Counter notices, objections to Notices, Requisitions for Information, Orders, Directions, and any other documents of a legal nature, and the certification of such documents	All legislation relating to Highways issues	HOS with responsibility for Street Scene	-	Non-Executive / Executive
8.2 Discharge functions relating to control of unauthorised encampments	Criminal Justice and Public Order Act 1994	HOS with responsibility for Development Management	-	Non-Executive
8.3 Decide whether or not to provide Christmas Bus Services	Local Government Act, 2000	HOS with responsibility for community transport	EM with responsibility for Transport	Executive
8.4 Exercise powers under Land Drainage Acts and Byelaws made thereunder including entry on to land, service of notices and action requiring works in default up to a value of £20,000 per incident	Land Drainage Acts	HOS with responsibility for Drainage	-	Executive
8.5 Exercise power to collect and dispose of abandoned vehicles	Refuse Disposal (Amenity) Act 1978	HOS with responsibility for Street Scene	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.6 Act as necessary to deal with the collection of waste	Environmental Protection Act 1990 Public Health Act, 1936 Refuse Disposal (Amenity) Act, 1978	HOS with responsibility for Refuse and Recycling	-	Executive
8.7 Issue and serve Notices in relation to requirements for type of refuse containers; recycling arrangements and litter abatement	Environmental Protection Act, 1990	HOS with responsibility for Refuse and Recycling	-	Executive
8.8 Execute the provisions relating to abandoned trolleys	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.9 Street cleansing	Environmental Protection Act 1990.	HOS with responsibility for Street Scene	-	Executive
8.10 Prepare and amend zoning plans as required by the Environmental Protection Act	Environmental Protection Act, 1990	HOS with responsibility for Street Scene	-	Executive
8.11 Provide bins for litter	Environmental Protection Act, 1990	HOS with responsibility for Environmental Health	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.12 Decide on the location of new recycling sites (2004/05 Minute 78, page 188)	-	HOS with responsibility for Street scene	-	Executive
8.13 Street Numbering	Public Health Act 1925	HOS with responsibility for street naming		Executive
8.14 Street Naming	Public Health Act 1925	HOS with responsibility for street naming	EM with responsibility for street naming and subject to prior consultation with relevant Ward Members	Executive
8.15 Street Naming and Numbering Policy (minor amendments thereto)	Public Health Act 1925	HOS with responsibility for street naming and numbering	EM for Planning Policy	
8.16 Issue Fixed Penalty Notices for dog fouling	Clean Neighbourhoods and Environment Act 2005	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.17 Take appropriate action under the Community Safety Accreditation Scheme	Police Reform Act 2002	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
8.18 Deal with instances of fly posting/unauthorised advertising	Town & Country Planning Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.19 Deal with instances of unauthorised trading	Local Government (Miscellaneous Provisions) Act 1982	HOS with responsibility for Environmental Health	-	Non-Executive / Executive
8.20 Issue litter clearance notices	Environmental Protection Act 1990	HOS with responsibility for Environmental Health	-	Non-Executive / Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9. LEISURE, PARKS AND OPEN SPACES				
9.1 Grant or refuse permission for the use of leisure land including Parks, Recreation Grounds, Gardens, Commons and open spaces and all other recreational facilities in accordance with approved policies	Open Spaces Act 1906 Public Health Acts 1875 – 1961 (as amended) Local Government Act 1972	HOS with responsibility for Parks	Subject to agreement of HOS with responsibility for Legal in respect of Common land	Executive
9.2 Deal with letting or hiring of sports facilities and leisure facilities provided by the Council	Public Health Acts Amendment Act 1907 The Public Health Acts 1925 and 1961 Reigate Corporation Act 1945 Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1976	As appropriate: HOS with responsibility for Parks HOS with responsibility for Leisure	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.3 Close parks and pleasure grounds or part thereof or allow their use for a show or other special purpose, in particular, the letting of Redhill and Earlswood Commons and Reigate Heath for Fairs, Circuses and similar events	Public Health Acts Amendment Act 1890 as amended by the Public Health Act 1961	HOS with responsibility for Parks	-	Executive
9.4 Deal with any applications affecting access over, or laying of services in, over or under common land or leisure land	Metropolitan Commons (Banstead) Supplemental Act 1893 Reigate Corporation Act 1945	HOS with responsibility for Legal	EM with responsibility for Open Spaces and Banstead Commons Conservators where appropriate	Executive
9.5 Grant Grazing and Haycutting Licences	-	HOS with responsibility for Parks	-	Executive
9.6 Grant Catering, Fishing and Boating Licences	Local Government (Miscellaneous Provisions) act 1976	HOS with responsibility for Parks	-	Executive
9.7 Manage and control the Council's statutory/non-statutory allotment sites	Allotment Acts 1908-1950	HOS with responsibility for Allotments	-	Executive

Delegated Function	Act(s)	Officer(s)	Consultation Required With	Non-Executive / Executive Function
9.8 On the basis that every effort is made to achieve good value in terms of price and quality, negotiate and enter into contracts with Theatre Companies, producers, artistes or theatrical managements, up to the value of £150,000 without employing the tender process, in accordance with Contract Procedure Rules	-	HOS with responsibility for Theatre	EM with responsibility for Finance	Executive
9.9 Deal with all matters relating to burial, the grant of Burial Rights, subscriptions and memorials	Local Government Act 1972	HOS with responsibility for Cemeteries	-	Executive
9.10 Agree all consultations and amendments to Dog Control Orders	Dog Control Orders (Procedures) Regulations 2006	HOS with responsibility for Parks	EM with responsibility for Parks and the Ward Members	Executive
9.11 Agree and sign extensions to the Downlands Countryside Management Service Service Level Agreement (SLA), except when the content of the SLA changes significantly	-	HOS with responsibility for Parks and Countryside	EM with responsibility for Parks and Countryside	Executive
9.12 (i) to approve grants up to £10,000 from the Neighbourhood Improvement Fund; (ii) to establish an application process, including appropriate checks and criteria, to support the allocation of funding from the Neighbourhood Improvement Fund.	Localism Act 2011	HOS with responsibility for Health and Wellbeing	Leader of the Council ((i) only)	Executive

Part 4

Procedure Rules

Procedure Rule 1 - Access to Information

1.1 Scope

- 1.1.1 These rules apply to all meetings of the Council and its Committees and to meetings of the Executive and its Sub Committees (together called meetings).

1.2 Additional rights to information

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

1.3 Rights to attend meetings

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

1.4 Notices of meeting

- 1.4.1 The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Town Hall, Castlefield Road, Reigate.

1.5 Access to Agenda and reports before the meeting

- 1.5.1 The Council will make copies of the Agenda and reports open to the public available for inspection at the Town Hall, Castlefield Road, Reigate at least five clear working days before the meeting. If an item is added to the Agenda later, the revised Agenda and any additional papers shall be made available to the public as soon as the report is completed and sent to Councillors.

1.6 Rights to film and report meetings

- 1.6.1 The Council will provide reasonable facilities to enable members of the public to film and report (including via social media) the discussions at all meetings, with the exception of items considered under exempt business.
- 1.6.2 Such recording should be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.
- 1.6.3 Any recording should respect the wishes of other members of the public not to be filmed. The Council may request a copy of any recording for our records.

1.7 Supply of copies

- 1.7.1 The Council will supply copies of:
- (i) any Agenda and reports which are open to public inspection;
 - (ii) any further statements or particulars necessary to indicate the nature of the items in the Agenda; and
 - (iii) 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. Copies may also be available, free of charge, via the Council's website.

1.8 Access to minutes etc. after the meeting

- 1.8.1 The Council will make available copies of the following for six years after a meeting:
- (i) the Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive and its Sub Committees, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (ii) 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;
 - (iii) the Agenda for the meeting; and
 - (iv) reports relating to items when the meeting was open to the public.

1.9 Background papers

List of Background Papers

- 1.9.1 The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) which have been relied on to a material extent in preparing the report
- 1.9.2 This does not include published works or those which disclose exempt or confidential information (as defined in Procedure Rule 1.10).

Public Inspection of Background Papers

- 1.9.3 The Council will make available for public inspection for four years after the date of the meeting each document listed as a background paper.

Background Papers to Executive Reports

- 1.9.4 The background papers identified for Executive reports will be published on the Council's website.

1.10 Exclusion of access by the public to meetings

Confidential Information – Requirement to Exclude Public

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

Meaning of Confidential Information

- 1.10.2 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.

Exempt Information – Discretion to Exclude Public

- 1.10.3 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.
- 1.10.4 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possession, 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.

Meaning of Exempt Information

- 1.10.5 Exempt information means information falling within the following 7 categories (subject to any condition):
1. Information relating to any individual.
 2. Information which is likely to reveal the identity of an individual.
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 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.
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 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.
 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 1.10.6 Information can be considered to be exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 1.10.7 Information falling within any of the 7 categories in Procedure Rule 1.10.5 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

1.11 Exclusion of access by the public to reports

- 1.11.1 If the Proper Officer thinks fit, and it is in the public interest, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Procedure Rule 1.10, 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.

1.12 Overview and Scrutiny Committee access to documents

Rights to Copies

- 1.12.1 Subject to Procedure Rule 1.12.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Leader or Executive and which contains material relating to:
- (i) any business transacted at a meeting of the Executive or any of its Sub Committees; or
 - (ii) any decision taken by an individual Member of the Executive.

Limit on Rights

- 1.12.2 The Overview and Scrutiny Committee will not be entitled to:
- (i) any document that is in draft form; or
 - (ii) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision it is reviewing or scrutinising or intend to scrutinise.

1.13 Additional rights of access for Members

Material Relating to Previous Business

- 1.13.1 All Members will be entitled to inspect any document which is in the possession of or under the control of the Leader or Executive and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5.

Material Relating to Key Decisions

- 1.13.2 All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Leader or Executive which relates to any Key Decision unless it contains exempt information falling within any of the 7 categories in Procedure Rule 1.10.5.

Nature of Rights

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

1.14 Additional access requirements for Executive functions

- 1.14.1 There are access requirements, in addition to these rules, for decisions taken regarding Executive functions. These requirements are set out in Procedure Rule 3 – Executive Functions and Procedure Rule 6 – Policy Framework and Budget, in Part 4 of this Constitution.

Procedure Rule 2 - Council

2.1 Suspension of Procedure Rules

2.1.1 Subject to statutory provisions, the Council may decide to suspend any Procedure Rules at a Council meeting provided:

- (i) notice has been given on the Agenda (either under Procedure Rule 2.17 or by way of a Committee Recommendation); or
- (ii) one half of the Members of the Council are present.

2.2 Ruling of the Mayor

2.2.1 The ruling of the Mayor on the application of Procedure Rules or any proceedings of the Council shall not be challenged.

2.3 Disorderly conduct

Members

2.3.1 The Mayor shall warn a Member who behaves improperly.

2.3.2 If the Member continues the misconduct the Mayor may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion).

2.3.3 If the Motion is approved the Member shall leave the Chamber.

Public

2.3.4 The Mayor shall warn a member of the public who interrupts the proceedings of any meeting.

2.3.5 If the interruption continues the Mayor shall order removal of the person concerned from the Chamber.

2.3.6 In the case of general disturbance the Mayor shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

2.4 Meetings of the Council

Annual Meeting

2.4.1 The Annual Meeting of the Council shall be held in May each year unless otherwise agreed by the Mayor, Council or set by Government regulation.

Ordinary Meetings

2.4.2 The Council will hold Ordinary Meetings on the dates set out in a Schedule of Meetings agreed by the Council and no less than once every quarter.

Extraordinary Meetings

- 2.4.3 The Council, or the Mayor, or the Monitoring Officer may call an Extraordinary Meeting of the Council at any time.
- 2.4.4 If, following a request from five Members of the Council, the Mayor refuses to call an Extraordinary Meeting, or fails to call it within seven days, then any five Members may call the meeting.

Time

- 2.4.5 All Council Meetings shall start at 7.30 p.m. unless otherwise agreed by the Mayor or the Council.

Change of Date or Time of Meetings

- 2.4.6 The Council or the Mayor may change the date and/or time or cancel a meeting of the Council due to lack of business or other special circumstances before the Summons is issued.

2.5 Quorum

- 2.5.1 The quorum of a Council Meeting shall be thirteen Members.
- 2.5.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes.
- 2.5.3 If after fifteen minutes there is still no quorum, all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as shall be determined by the Mayor.

2.6 Adjournment

- 2.6.1 The Council may adjourn a meeting at any time.
- 2.6.2 If the business is not completed by 10.30 p.m., the Council may decide in relation to all or part of the remaining business to:
- (a) approve items without debate;
 - (b) continue the meeting to complete the business;
 - (c) refer the business to the next Ordinary Meeting;
 - (d) adjourn to a specific date

2.7 Prayers

- 2.7.1 Prayers shall be said before the start of all Council meetings, and not form part of the formal meeting.

2.8 Order of business at Council meetings

Annual Meeting

- 2.8.1 The order of business at the Annual Meeting shall be:

1. Election of Mayor
2. Election of Deputy Mayor
3. Minutes
4. Apologies for absence
5. Declarations of Interest
6. The result of Local Elections (if appropriate)
7. Election of the Leader
8. Appointment of:
 - (i) at least one Overview and Scrutiny Committee
 - (ii) a Standards Committee
 - (iii) such other Committees as the Council consider appropriate
9. Any other business specified on the Agenda
10. Urgent Business
11. Vote of Thanks to Council employees
12. Leader's Announcements
13. Mayor's Announcements

Ordinary Meetings

2.8.2 The order of business at Ordinary Meetings shall be:

1. Minutes
2. Apologies for absence
3. Declarations of Interest
4. Urgent Business
5. Any business remaining from the last meeting
6. Questions by members of the public
7. To receive any petitions under the Petition Scheme
8. Questions by Members
9. Recommendations and/or reports on Executive functions and/or from Committees of the Council
10. Quarterly reports on Special Urgency decisions (if any) under Procedure Rule 3.5.12

11. To receive any Statement from the Leader of the Council, Members of the Executive, Chairmen of Committees or the Head of Paid Service
12. Motions
13. Any other business specified on the Agenda
14. Leader's Announcements
15. Mayor's Announcements.

Extraordinary Meetings

2.8.3 The order of business at Extraordinary Meetings shall be:

1. Minutes
2. Apologies for absence
3. Declarations of Interest
4. Urgent Business
5. Recommendations and/or reports on Executive functions and/or from Committees of the Council (if any)
6. Business specified on the Agenda

Budget Meeting

2.8.4 The procedure for dealing with the conduct of the Budget Meeting shall be agreed by the Mayor.

2.9 Absence of Mayor and Deputy Mayor

- 2.9.1 In the absence of the Mayor, the Deputy Mayor shall take the Chair.
- 2.9.2 In the absence of the Mayor and Deputy Mayor, a Chairman for the meeting shall be elected. The Chairman for the meeting shall not be the Leader of the Council or a Member of the Executive. Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person in the Chair.

2.10 Minutes

- 2.10.1 The Minutes of every Council Meeting shall be circulated to all Members and presented to the next Council Meeting for confirmation and signature by the Mayor.
- 2.10.2 Where this is impractical, owing to the short time between meetings, or where the next meeting is an Extraordinary Meeting the Minutes may be presented to the next Council Meeting.
- 2.10.3 No discussion shall take place upon the Minutes other than on their accuracy.

- 2.10.4 If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

2.11 Urgent Business

- 2.11.1 If an item is not included on the Agenda it shall not be discussed unless the Mayor is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency.
- 2.11.2 Items of urgent business must be in writing for circulation to the Members present (and the Press and public as appropriate) but may be supplemented by an oral report.

2.12 Petitions

- 2.12.1 Petitions will be dealt with in accordance with the Petition Scheme.

2.13 Recommendations from the Leader / Executive decision maker and Committees

- 2.13.1 Recommendations from the Leader / Executive Decision Maker and Committees shall be submitted to Council.
- 2.13.2 The Mayor shall draw attention to each Recommendation which is before the Council for determination.
- 2.13.3 All Recommendations shall be taken as agreed by general assent unless, in the opinion of the Mayor, there is dissent to warrant a vote being taken.
- 2.13.4 A Member may:
- (i) Speak for or against a Recommendation
 - (ii) Move an Amendment provided written notice has been given to the Chief Executive by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days notice shall be given
 - (iii) Speak for or against an Amendment
- 2.13.5 Amendments to Recommendations submitted under Procedure Rule 2.13.4(ii) shall be notified to all Members of the Council not later than the working day before the meeting.

2.14 Questions by members of the public

- 2.14.1 Members of the public who live or work in the Borough may ask questions of the Leader, Members of the Executive or Chairmen of Committees in accordance with the agreed procedures for Public Questions set out in Annex 1 to Procedure Rule 2.

2.15 Questions by Members

- 2.15.1 A Member may ask a question of either the Leader, or an Executive Member or a Committee or Sub-Committee Chairman to be answered orally at an Ordinary Meeting provided:

- (i) written notice has been given to the Chief Executive by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days notice shall be given; and
 - (ii) the question relates to a function of the Council or affects the Borough.
- 2.15.2 In the absence of the Member who submitted the question, the said Member may appoint another Member to ask the question on their behalf.
- 2.15.3 Oral questions shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- 2.15.4 An answer may be given by the Member to whom the question was put, or by another Member nominated by the Member to whom the question was put:
- (a) orally;
 - (b) in writing; or
 - (c) by reference to a published document
- 2.15.5 One supplementary question may be asked by the original questioner arising directly out of the reply to an oral question.
- 2.15.6 Questions shall be taken Portfolio by Portfolio followed by the Committees in alphabetical order.
- 2.15.7 With the consent of the Mayor, similar questions shall be grouped together and receive a single response. Each questioner shall however have the right to ask a supplementary question under Procedure Rule 2.15.5.
- 2.15.8 Any Member may ask additional questions. A written answer shall be given to the Member concerned. Copies of the questions and answers shall be placed on the Council's website

2.16 Motions not requiring notice

- 2.16.1 Motions may be moved without notice to:
- (i) appoint a Chairman of the meeting;
 - (ii) question the accuracy of the Minutes;
 - (iii) vary the order of business;
 - (iv) refer a matter to the Leader, a Committee or Sub-Committee;
 - (v) extend the time limit for speeches;
 - (vi) amend Motions and recommendations to reports direct to Council but not Executive or Committee Recommendations contained within Minutes;
 - (vii) proceed to the next business;
 - (viii) take a vote;

- (ix) adjourn the meeting;
- (x) adjourn the debate;
- (xi) suspend Procedure Rules;
- (xii) exclude the press and public;
- (xiii) end a named Member's speech;
- (xiv) give the consent of the Council when it is required by this Constitution.

2.17 Motions requiring notice

- 2.17.1 Notice of Motions shall be given to the Chief Executive in writing at least nine Working Days before the Council Meeting at which they are to be submitted.
- 2.17.2 Motions will be set out in the Agenda for the next Ordinary Meeting unless a Motion:
 - (a) at the request of the Member is to be submitted to another meeting;
 - (b) relates to a matter before an Extraordinary Meeting; or
 - (c) has been withdrawn in writing.
- 2.17.3 Motions shall upon being moved and seconded, be referred without discussion to the Leader or the relevant Committee or Sub-Committee for consideration and recommendation to Council (if appropriate) unless it is within the Council's remit and in the opinion of the Mayor, it is convenient and conducive to the conduct of business to allow the Motion to be dealt with at the meeting in which case prior notification must be given to all Members not later than the working day before the meeting.
- 2.17.4 Every Motion shall relate to a function of the Council or affect the Borough.
- 2.17.5 The Mayor, in consultation with the Chief Executive, may determine that a Motion is contrary to the Constitution in which case the Member concerned shall be informed that the Motion shall not be included on the Agenda.
- 2.17.6 Where an Extraordinary Meeting of the Council has been convened for a specific purpose, any Motion shall relate to that matter and any other Motions received shall be submitted to the next Ordinary Meeting of the Council.

2.18 Motions and Amendments on expenditure

- 2.18.1 No Motion or Amendment which would increase the net expenditure or reduce the income of the Council shall be moved at any Council Meeting except in the form of a reference to the Leader or a Committee for consideration or report, unless the alternative proposal was set out in the original report or is based on financial information contained in that report.

2.19 Rules of debate

- 2.19.1 Motions and Amendments shall be proposed and seconded.
- 2.19.2 If notice is given of a Motion or Amendment any other Member of the Council may move or second it if the mover or the seconder does not do so or is absent.
- 2.19.3 If a Motion or Amendment is not moved either by the Member who gave notice or another Member it shall be treated as withdrawn and shall not be moved without fresh notice.
- 2.19.4 The seconder of a Motion or Amendment may reserve the right to speak later in the debate.
- 2.19.5 When speaking a Member shall stand and address the Mayor.
- 2.19.6 Only one Member may speak at a time.
- 2.19.7 A point of order shall relate only to an alleged breach of Procedure Rules or statutory provision.
- 2.19.8 If a speech by a Member appears to have been misunderstood, the Member may give a personal explanation.
- 2.19.9 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 2.19.10 No speech shall exceed five minutes without the consent of the Council.
- 2.19.11 No Member shall speak more than once in the same debate except:
 - (i) to speak once on an Amendment
 - (ii) if the Motion or Recommendation has been amended since the Member last spoke, to move a further Amendment
 - (iii) to speak on the main issue after an Amendment upon which the Member has spoken has been disposed of
 - (iv) in exercise of a right of reply
 - (v) on a point of order
 - (vi) by way of personal explanation
- 2.19.12 Amendments to Motions or Recommendations may:
 - (i) refer a subject of debate to the Leader (or relevant Executive decision maker) or a Committee or Sub-Committee for consideration or reconsideration;
 - (ii) leave out words and/or figures;
 - (iii) leave out words and/or figures and add others;
 - (iv) add words and/or figures;

- 2.19.13 but shall not introduce a new proposal or negate the Motion or Recommendation before the Council.
- 2.19.14 Only one Amendment may be moved and discussed at a time and no further Amendment shall be moved until the Amendment under discussion has been disposed of.
- 2.19.15 If an Amendment is lost, other amendments may be moved on the original Motion or Recommendation.
- 2.19.16 If an Amendment is carried the Motion as amended shall take the place of the original Motion and shall become the Motion upon which any further amendment may be moved.
- 2.19.17 The exception to this is where a reference back is moved upon which being carried no further amendment may be moved.
- 2.19.18 A Member may with the consent of the Council given without discussion:
- (i) alter a Motion or Amendment of which the Member has given notice; or
 - (ii) with the further consent of the seconder, alter a Motion or Amendment which the Member has moved;
- 2.19.19 if (in either case) the alteration is one which could be made as an Amendment.
- 2.19.20 A Motion or Amendment may be withdrawn by the mover with the consent of the seconder and of the Council, given without discussion.
- 2.19.21 No Member may speak upon the Motion or Amendment after the mover has asked permission for its withdrawal, unless permission has been refused.
- 2.19.22 The right to reply at the close of a debate shall be as follows:

Motions

- (i) The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member immediately before the mover's final speech.
- (ii) The mover of the Motion immediately before the vote is taken.
- (iii) If an amendment is moved, the mover of the original Motion shall also have a right of reply at the close of the debate on the Amendment but shall not otherwise speak on the Amendment.

Recommendations from the Leader / Executive Decision Maker or from Committees

- (iv) The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member has the right of reply on Recommendations on Executive functions or from Committees and any amendment to them immediately before the vote is taken.

- (v) The mover of an Amendment should speak to the proposal when proposing the Amendment and has no right of reply at the close of the debate on the Amendment.

2.19.23 When a Motion is under debate no other Motion shall be moved except to:

- (i) amend the Motion or postpone its consideration;
- (ii) extend the time limit for speeches;
- (iii) proceed to the next business;
- (iv) take a vote;
- (v) adjourn the meeting;
- (vi) adjourn the debate;
- (vii) suspend Procedure Rules;
- (viii) exclude the press and public;
- (ix) end a named Member's speech; and
- (x) defer the subject of the debate or refer it to the Leader or a Committee or Sub-Committee;

2.19.24 A further Motion under Procedure Rule 2.19.23(v) and (vi) above shall not be moved within 20 minutes.

2.19.25 If a Member has spoken during a debate that Member may not move a Motion under Procedure Rule 2.19.23(iii), (iv), (v) and (vi).

2.19.26 A Motion under Procedure Rule 2.19.23(iii), (iv), (v) and (vi) shall not be put to the vote if the Mayor considers that the Motion under debate has been insufficiently discussed.

2.19.27 If a Motion to proceed to the next business is carried the matter under debate shall be considered closed.

2.19.28 If a Motion to take a vote is carried then the mover of the original Motion shall be given a right of reply before the Motion is put to the vote.

2.20 Rescission or Amendment of previous decisions

2.20.1 The Chief Executive, in consultation with the Leader of the Council or relevant Committee Chairman may propose a review of a previous decision of the Council if there has been a material change in circumstances.

2.21 Voting

2.21.1 Voting shall be by a show of hands.

2.21.2 At the request of five Members of the Council made before the vote is taken, the voting shall be recorded in the Minutes. This should be by roll-call and the vote or abstention of each Member shall be recorded.

- 2.21.3 Decisions relating to the annual budget and Council Tax shall be made by a recorded vote, without the requirement of Procedure Rule 2.21.2 above.
- 2.21.4 In the case of an equality of votes the Mayor shall have a second or casting vote. The casting vote may be used whether or not the Mayor has already voted.
- 2.21.5 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.

ANNEX 1: QUESTIONS BY MEMBERS OF THE PUBLIC

1. General

- 1.1 Members of the public who live or work in the Borough may ask questions of Members of the Executive or Chairmen of Committees at ordinary meetings of the Council.
- 1.2 A maximum of fifteen minutes in total shall be allowed at each meeting for public questions.

2. Order of questions

- 2.1 Questions will be asked in the order they are received, except that the Chief Executive may group together similar questions.

3. Notice of questions

- 3.1 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 6 working days before the day of the meeting. Each question must give the name and address or workplace, as appropriate, of the questioner and must name the Member of the Council to whom it is to be put.

4. Number and time of questions

- 4.1 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of an organisation. Questions when asked at the meeting may only last for up to 2 minutes.

5. Scope of questions

- 5.1 The Chief Executive may reject a question if it:
 - (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (iv) requires the disclosure of confidential or exempt information; or
 - (v) relates to an individual application.

6. Record of questions

- 6.1 The Chief Executive will place each question on the Council's website and will send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.
- 6.2 Copies of all questions not rejected will be circulated to all Members of the meeting and will be made available to the Press and public attending the meeting.

7. Asking the question at the meeting

- 7.1 The Mayor will invite the questioner to put the question to the Member named in the notice.
- 7.2 The questioner must not deviate from the submitted wording.
- 7.3 If a questioner who has submitted a written question is unable to be present, they may ask a representative to put the question on their behalf.
- 7.4 The Member named shall give an oral reply at the meeting. In the absence of the named Member they can appoint another Member to respond on their behalf. In the absence of the questioner or his/her representative a written reply will be given.

8. Supplementary question

- 8.1 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 5 above.

9. Limitation on discussion

- 9.1 Every question shall be put and answered without discussion.

10. Written answers

- 10.1 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the questioner or his/her representative or the Member (or in their absence their nominee) to whom it was to be put, will be dealt with by a written answer.

Procedure Rule 3 - Executive Functions

3.1 Decisions on Executive Functions

Discharge of Executive Functions

3.1.1 The Leader has responsibility for the discharge of all Executive functions and may delegate any/all of these functions to:

- (i) the Executive as a whole;
- (ii) a formally constituted Sub Committee of the Executive;
- (iii) an individual Member of the Executive;
- (iv) an individual Member of the Council (in the case of Ward matters);
- (v) an Officer;
- (vi) an Area Committee;
- (vii) joint arrangements; or
- (viii) another local authority.

The Leader's Scheme of Delegation and Executive Functions

3.1.2 The Leader's Scheme of Delegation for Executive Functions, as set out in Part 3a of the Constitution, may only be agreed or amended by the Leader.

Sub-delegation

3.1.3 Where the Leader, Executive, a Sub Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an Officer.

Discharge of delegated functions

3.1.4 Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

Consultation

3.1.5 All reports on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate.

Decision making in Public or Private

3.1.6 Executive decisions which have been delegated to the Executive as a whole or to one of its Sub Committees will be taken at a meeting convened in

accordance with Procedure Rule 1 - Access to Information, in Part 4 of this Constitution.

3.1.7 A decision on an Executive function must take place in public if:

- (i) a Key Decision as defined in Article 14 is to be taken;
- (ii) it relates to a Key Decision which is likely to be discussed in the presence of an Officer and the decision is likely to be made within 28 days of the meeting;
- (iii) a Key Decision will be made or a matter relating to a Key Decision is to be discussed in the presence of an officer in a case where a Procedure Rules 3.5.6 and 3.5.7 (general exception) notice in relation to that decision has been given;

3.1.8 unless the public are excluded under Procedure Rule 1.10.

3.2 Public Notices prior to making Key Decisions

28 Day Notice

3.2.1 Separate public notices must be placed on the website and be displayed at the Town Hall indicating the Key Decisions that are to be transacted in Public or Private meetings of the Executive within a 28 clear day period before the date of the meeting.

3.2.2 Notices specifying business to be considered at a Private meeting of the Executive (together with reasons) must allow for representations to be made in relation to the matter being taken in a private meeting. A further notice must provide a statement of the response to such representations.

5 Day Notice

3.2.3 A further notice must be provided indicating the Key Decisions to be transacted within a 5 day period (ie a 5 Day Notice) before the date of the meeting.

3.3 Access to Information

3.3.1 Procedure Rule 1 - Access to Information applies to any Executive decision taken by Members or an individual Member at a meeting held in public, or where a Key Decision has been taken by an Officer, unless Procedure Rules 3.5.6 and 3.5.7 (general exception) or Procedure Rule 3.5.8 (special urgency) apply.

3.4 Record of Decisions

3.4.1 As soon as reasonably practicable after an Executive decision has been taken by Members or an individual Member, or a Key Decision has been taken by an Officer, the Proper Officer will produce a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Procedure Rules 1.5 and 1.7 to 1.9 (access to documents) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.

3.5 Key Decisions

Definition of a Key Decision

3.5.1 The definition of a Key Decision is set out in Article 14 (Decision Making)

Who takes Key Decisions

3.5.2 Key Decisions can be taken by the Leader, Executive or one of its Sub Committees, Individual Executive Members or Officers with the appropriate delegated authority.

Procedure for taking a Key Decision in public

3.5.3 Subject to Procedure Rules 3.5.6 and 3.5.7 (general exception) and Procedure Rule 3.5.8 (special urgency), a Key Decision may not be taken unless:

- (i) a 28 day notice has been published on the website in connection with the business to be transacted stating the purpose of the report; and
- (ii) a 5 day notice has been published on the website in connection with the business to be transacted stating the purpose of the report; and
- (iii) at least 5 clear working days have elapsed since the publication of the Agenda.

Procedure for taking a Key Decision in Private

3.5.4 A 28 day notice will be published on the website indicating the nature and purpose of any Key Decision to be made in private within that forthcoming 28 day period.

28 Day Notice

3.5.5 The 28 day notice will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (i) the matter in respect of which a decision is to be made;
- (ii) where the decision maker is an individual his/her name and title, if any and where the decision maker is a body, its name and details of membership;
- (iii) the date on which the decision will be taken;

Failure to give 28 Days Notice of Key Decisions (General Exception)

3.5.6 If a matter which is likely to be a Key Decision has not been included in the 28 Day Notice, then subject to Procedure Rule 3.5.8 (special urgency), the decision may still be taken provided that:

- (i) the Proper Officer has informed the Chairman of the Overview and Scrutiny Committee in writing of the details of the decision to be made (or, if the Chairman is unable to act, each member of the Committee);

- (ii) the Proper Officer gives notice of the details of the decision to be made and the reasons why it is impracticable to give 28 clear days notice; and
- (iii) at least five clear days have elapsed between the notice given of the proposed business and the decision being taken.

3.5.7 A notice, giving the reasons for why it is impractical to comply with the 28 Day Notice must be published on the Council's website.

Special Urgency

3.5.8 If by virtue of the date by which a decision must be taken Procedure Rules 3.5.6 and 3.5.7 (general exception) cannot be followed, the decision can still be taken if the decision-maker has received the permission of the Chairman of the Overview and Scrutiny Committee, or if she/he is unable to act, the Mayor or Deputy Mayor, and a notice has been published stating that a decision is urgent and the reasons why it cannot reasonably be deferred.

Report to Council

3.5.9 If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not:

- (a) included in the 28 Day Notice; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman or the Mayor or Deputy Mayor of the Council under Procedure Rule 3.5.8:

3.5.10 the Committee may require the Leader (or Executive decision maker) 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 Chairman or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

3.5.11 The Leader (or Executive decision maker) will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 9 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 (or Executive decision maker) is of the opinion that it was not a Key Decision the reasons for that opinion.

Quarterly Reports on Special Urgency Decisions

3.5.12 In any event the Leader (or Executive decision maker) will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Procedure Rule 3.5.8 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

3.6 Meetings

Notice of Meetings

- 3.6.1 All Members shall have Notice of Public and Private Meetings where Executive decisions will be taken.

Executive Meetings

- 3.6.2 Meetings of the Executive will be set by the Leader and included in the Schedule of Meetings. Additional meetings shall be agreed by the Leader, as necessary.

Meetings of the Executive Sub Committees shall be called as and when required subject to complying with 28 Day Notice etc...

Public or Private Meetings of the Executive

- 3.6.3 Meetings of the Executive will generally be held in public. Items will be considered in private meetings of the Executive only if they qualify under the grounds to exclude the Press and public set out in Procedure Rule 1 - Access to Information and following the publication of 28 Day and 5 Day Notices

Quorum

- 3.6.4 The quorum for a meeting of the Executive shall be one third of the total number of Members of the Executive, or 3, whichever is the larger.

Quorum for Sub Committee meeting of 5 is 3 Members

Executive Agenda

- 3.6.5 The following may require an item to be considered at the next available meeting of the Executive:

- (i) the Leader
- (ii) any Executive Member
- (iii) the Council
- (iv) the Overview and Scrutiny Committee
- (v) the Chief Executive, Monitoring Officer and Chief Financial Officer.

- 3.6.6 Any non-Executive Member of the Council may ask the Leader to put an item on the Agenda of an Executive meeting and, if the Leader agrees, the item shall be included on the next Agenda.

Chairman

- 3.6.7 The Leader or in his/her absence the Deputy Leader will chair meetings of the Executive. If both Leader and Deputy Leader are absent then a person appointed by those Members of the Executive present shall chair the meeting.
- 3.6.8 The conduct of the meeting shall be a matter for the Chairman.
- 3.6.9 When speaking a Member shall address the Chairman
- 3.6.10 The ruling of the Chairman on the application of Procedure Rules or any proceedings of Executive meetings shall not be challenged.

Attendance at Meetings of the Executive

- 3.6.11 Meetings of the Executive will be open to all Councillors who may speak with the consent of the Leader (or person presiding, as appropriate).

Business of the Executive

- 3.6.12 At each meeting of the Executive the following business will be conducted:
1. Minutes of the last meeting;
 2. Apologies for absence;
 3. Declarations of interest, if any;
 4. Petitions;
 5. Matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in Procedure Rule 5 - Overview and Scrutiny or Procedure Rule 6 - Policy Framework and Budget, set out in Part 4 of this Constitution;
 6. Consideration of reports from the Overview and Scrutiny Committee; and
 7. Matters set out in the Agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with Procedure Rule 1 - Access to Information, set out in Part 4 of this Constitution.

Voting

- 3.6.13 Voting shall be by a show of hands.
- 3.6.14 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.
- 3.6.15 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

Petitions

- 3.6.16 The Executive will consider and deal with petitions in accordance with the Council's Petition Scheme.

Disorderly Conduct

Members:

- 3.6.17 The Chairman shall warn a Member who behaves improperly.
- 3.6.18 If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion).
- 3.6.19 If the Motion is approved the Member shall leave the room.

Public:

- 3.6.20 The Chairman shall warn a member of the public who interrupts the proceedings at any meeting.
- 3.6.21 If the interruption continues the Chairman shall order removal of the person concerned from the meeting.
- 3.6.22 In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

Minutes

- 3.6.23 The Minutes of every Executive meeting shall be available to all Members for the next meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the following meeting.
- 3.6.24 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.

Urgent Business

- 3.6.25 Subject to Procedure Rules 3.5.6 and 3.5.7 (general exception) and Procedure Rule 3.5.8 (special urgency), if an item is not included on the Agenda it shall not be discussed unless the Leader is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to Members present (and Press and public, as appropriate) but may be supplemented by an oral report. Any urgent business must also comply with the Special Urgency provisions set out in Procedure Rule 3.5.8 (special urgency).

Suspension of Executive Procedure Rules

- 3.6.26 Subject to statutory provisions, the Chairman may decide to suspend these rules at a meeting of the Executive or Committee of the Executive, provided one half of its Members are present.

Procedure Rule 4 - Committees and Sub-Committees

4.1 Appointment of Committees and Sub-Committees

- 4.1.1 The Council may appoint Committees and Sub-Committees to carry out its non-Executive functions.
- 4.1.2 Committees may appoint additional Sub-Committees with the approval of the Council.

4.2 Membership

- 4.2.1 With the exception of the Standards Committee and unless the Council decides otherwise, with no Member voting against, the Council and Committees shall appoint Members to Committees and Sub-Committees respectively in accordance with the statutory requirements for political balance.
- 4.2.2 For the Licensing and Regulatory Sub-Committees in addition to Chairman, the remaining membership shall be drawn from the Licensing and Regulatory Committee.
- 4.2.3 The Council shall review the allocation of seats on Committees and Sub-Committees to the Political Groups on the Council at its Annual Meeting and following any change in the membership of the Council as required by statute.

4.3 Appointment of substitute members of Committees and Sub-Committees

- 4.3.1 With the exception of the Licensing and Regulatory Sub-Committee, when appointing Committees and Sub-Committees the Council or Committee respectively may appoint to each Committee or Sub-Committee substitute Members for each Political Group on the Council in accordance with the wishes of the Group and such substitute may take the place of any Member of that Group who is a Member of the particular Committee or Sub-Committee for the meeting when such Member is absent;

Subject to:

- 4.3.2 the substitution being notified to the Chief Executive (or an Officer representing the Chief Executive) no later than when the "Apologies for Absence and Substitutions" item is called on the Agenda;
- 4.3.3 in the event of the Committee Member arriving after the substitution has been made that Member shall forthwith resume membership of the Committee or Sub-Committee and the substitute Member shall forthwith cease to be a member of the Committee or Sub-Committee and such member shall then only have the rights set out in Procedure Rule 4.19; and
- 4.3.4 substitutions may only take effect from when the "Apologies for Absence and Substitutions" item is called on the Agenda and may not be expressed to take effect at any later time.

(NOTE: Group Leaders will be expected to ensure that nominated substitutes have received appropriate training on the role and functions of the relevant Committee).

4.4 Suspension of Committee and Sub-Committee Procedure Rules

- 4.4.1 Subject to statutory provisions, a Committee or Sub-Committee may decide to suspend any part of Procedure Rule 4 - Committee and Sub-Committee at a Committee or Sub-Committee meeting provided one half of its Members are present.

4.5 Ruling of the Chairman

- 4.5.1 The ruling of the Chairman on the application of Procedure Rules or any proceedings of the Committee or Sub-Committee shall not be challenged.

4.6 Conduct of meetings

- 4.6.1 The conduct of the meeting shall be a matter for the Chairman.
- 4.6.2 When speaking a Member shall address the Chairman.

4.7 Disorderly conduct

Members

- 4.7.1 The Chairman shall warn a Member who behaves improperly. If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion); if the Motion is approved the Member shall leave the room.

Public

- 4.7.2 The Chairman shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues the Chairman shall order removal of the person concerned from the room. In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

4.8 Meetings of Committees and Sub-Committees

Ordinary Meetings

- 4.8.1 Ordinary Meetings will be held on the dates set out in a Schedule of Meetings agreed by the Council and published annually on the website at the start of each municipal year.

Special Meetings

- 4.8.2 The Chairman may call a Special Meeting of a Committee or Sub-Committee at any time.
- 4.8.3 If, following a request from five Members of the Committee or Sub-Committee or one third of its membership, whichever is the greater, the Chairman refuses to call a Special Meeting or fails to call it within seven days, then any five Members of the Committee or Sub-Committee may call the meeting.

Time

- 4.8.4 With the exception of Licensing and Regulatory Sub-Committees all Committee and Sub-Committee Meetings shall start at 7.30 p.m. unless otherwise agreed by the Chairman of the Committee or Sub-Committee.
- 4.8.5 In the case of Licensing and Regulatory Sub-Committees, meetings shall be held during the day or evening at a time to be agreed by the Chairman.

Change of Date or Time of Meetings

- 4.8.6 The Chairman may change the date and/or time or cancel a meeting of the Committee or Sub-Committee due to lack of business or other special circumstances.

4.9 Quorum

- 4.9.1 The quorum of a Committee or Sub-Committee meeting shall be one third of the membership but not less than three Members.
- 4.9.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes.
- 4.9.3 If after fifteen minutes there is still no quorum, the Chairman may decide to adjourn the meeting further, failing which all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as may be determined by the Chairman.

4.10 Adjournment

- 4.10.1 A Committee or Sub-Committee may adjourn a meeting at any time.
- 4.10.2 If the business is not completed by 10.30p.m., the Committee or Sub-Committee may decide in relation to all or part of the remaining business to:
 - (a) determine items without debate;
 - (b) continue the meeting to complete all or part of the outstanding business;
 - (c) refer the business to the next Ordinary Meeting;
 - (d) adjourn to a specific date.

4.11 Order of business at first meeting of Committees and Sub-Committees

- 4.11.1 The order of business at the first meeting of each Committee in the Municipal Year shall be:
 - 1. Election of Chairman.
 - 2. Election of Vice-Chairman.
 - 3. Minutes.
 - 4. Apologies for absence and substitutions.

5. Declarations of Interest.
6. Appointment and Membership of Sub-Committees.
7. Any other business specified on the Agenda.

4.11.2 For the election of the Chairman for the Municipal Year, the Chief Executive's representative shall conduct the election of the Chairman. In the event of an equality of votes the matter shall be deferred to the next meeting.

4.11.3 Every Sub-Committee shall at its first meeting, before dealing with other business, elect a Chairman and Vice-Chairman for the Municipal Year.

4.12 Absence of Chairman and Vice-Chairman

4.12.1 In the absence of the Chairman, the Vice-Chairman shall take the Chair. In the absence of the Chairman and Vice-Chairman, a Chairman for the meeting shall be elected. Any power or duty of the Chairman in relation to the conduct of the meeting may be exercised by the person in the Chair.

4.13 Vote of no confidence in Chairman

4.13.1 A Member wishing to move a vote of no confidence in the Chairman shall ask for an appropriate item to be included on the Agenda of the next meeting of the Committee or Sub-Committee.

4.13.2 During consideration of the Motion the Chairman shall vacate the Chair which shall be taken by the Vice-Chairman. In the absence of the Vice-Chairman, another Member shall be elected for this purpose.

4.13.3 In the event of the Motion of no confidence being carried at a Committee or Sub-Committee the Member shall cease to be Chairman forthwith and the person presiding shall remain in the Chair for the rest of the meeting. The election of a new Chairman shall be the first item on the Agenda of the next meeting of the Committee or Sub-Committee.

4.14 Voting in Committees and Sub-Committees

4.14.1 Voting at a Committee or Sub-Committee shall be by show of hands.

4.14.2 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.

4.14.3 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

4.15 Minutes

4.15.1 The Minutes of every Committee and Sub-Committee meeting shall be circulated to all Members and with the exception of the Licensing Sub-Committees presented to the next meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the next following meeting.

4.15.2 The Minutes of the Licensing and Regulatory Sub-Committee shall be submitted to either the next meeting of the Licensing and Regulatory Sub-Committee or to the next meeting of the Licensing and Regulatory Committee (whichever is the sooner) for confirmation and signature by the Chairman provided at least one Member of the Sub-Committee whose Minutes are being considered for approval is present.

4.15.3 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.

4.16 Urgent Business

4.16.1 If an item is not included on the Agenda it shall not be discussed unless the Chairman is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to the Members present (and Press and public, as appropriate) but may be supplemented by an oral report.

4.17 Petitions

4.17.1 Committees will deal with petitions in accordance with the Council's Petition Scheme.

4.18 Agenda items

4.18.1 A Member may ask for an item to be included on the Agenda of a Committee or Sub-Committee.

4.19 Attendance by non-Members

4.19.1 All Members have the right to attend a meeting of a Committee or Sub-Committee except meetings of the Employment Committee where appointments/disciplinary/dismissal or appeals are being considered. Only the Leader or Deputy Leader and relevant Executive Member(s) shall have the right to attend meetings of the Employment Committee for appointments.

4.19.2 A Member who moved a Motion at Council which has been referred to a Committee or Sub-Committee shall have the right to present the Motion to the Committee or Sub-Committee.

4.19.3 Subject to Procedure Rule 4.19.2 non-Members of the Committee or Sub-Committee may only speak with the agreement of the Chairman.

4.20 Notice and Agenda of meetings

4.20.1 All Members shall have Notice of Meetings of Committees and Sub-Committees.

4.20.2 All Members are entitled to receive Agenda of Committees and Sub-Committees.

4.21 Committee protocols

- 4.21.1 A Committee may agree detailed operational protocols such as for public speaking arrangements. Any protocol agreed will be published on the website.

Procedure Rule 5 - Overview and Scrutiny

5.1 Arrangements for Overview and Scrutiny

5.1.1 The Council will appoint the Overview and Scrutiny Committee(s) set out in Article 8 and will appoint them as it considers appropriate from time to time.

5.1.2 Such Committees may appoint ad hoc Panels for specific tasks on completion of which they cease to exist.

5.2 Overview and Scrutiny Committee Membership

5.2.1 All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Panels appointed by it.

5.2.2 However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

5.3 Co-optees

5.3.1 The Overview and Scrutiny Committee or its Panels shall be entitled to appoint a number of people as non-voting co-optees.

5.4 Meetings of the Overview and Scrutiny Committee

5.4.1 Scheduled meetings of the Overview and Scrutiny Committee will be agreed each year.

5.4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate.

5.4.3 An Overview and Scrutiny Committee meeting may be called by the Chairman, by any 5 Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5.5 Quorum

5.5.1 The quorum for the Overview and Scrutiny Committee shall be 5 Members.

5.6 Committee and Sub-Committee Procedure Rules

5.6.1 Procedure Rule 4 - Committee and Sub-Committee applies to the Overview and Scrutiny Committee.

5.7 Work Programme

5.7.1 Following consultation with the Leader, the Overview and Scrutiny Committee will set its own work programme and in doing so they shall take into account the wishes of Members on that Committee who are not Members of the largest political group on the Council.

5.7.2 The annual work programme shall be agreed by Council.

5.8 Agenda Items

5.8.1 Any Member of the Council may ask for an item to be included on the Agenda of the Overview and Scrutiny Committee.

5.8.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader to review particular areas of Council activity.

5.8.3 Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Leader and/or Council for consideration within one month of receiving it or during the next cycle of meetings.

5.9 Policy Review and Development

5.9.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in Procedure Rule 6 - Policy Framework and Budget.

5.9.2 The Overview and Scrutiny Committee may make proposals to the Leader for policy review and developments insofar as they relate to matters within its Terms of Reference.

5.9.3 The Committee, or Panels appointed by it, may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

5.9.4 It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

5.9.5 It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (subject to approval of the Overview and Scrutiny Committee in the case of Panels).

5.9.6 The scrutiny activities are subject to available resources, which may be considered in the development of the Committee's annual work programme.

5.10 Reports from Overview and Scrutiny Committee

5.10.1 Once it has formed recommendations on proposals (upon the advice of a Panel, as appropriate) for consideration, the Overview and Scrutiny Committee will forward the recommendations to the Proper Officer for referral to the Leader (or relevant Executive decision maker) or in the case of non-Executive functions, to the Council.

5.10.2 If the Overview and Scrutiny Committee (or a Panel appointed by it) cannot agree on one single final report to the Council or Leader as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

5.10.3 Following referral of a report under Procedure Rule 5.10.1, the Council or Leader shall consider the report within the next cycle of meetings unless the Chairman of the Overview and Scrutiny Committee agrees otherwise with the Leader (Executive functions) or the Mayor (non-Executive functions).

- 5.10.4 In the case of Executive functions, after consideration of the report the Leader (or relevant Executive decision maker) shall:
- (a) make recommendations to Council where there are policy and budget framework implications; or
 - (b) report on the outcome to the Overview and Scrutiny Committee.
- 5.10.5 If for any reason the Executive decision maker does not consider the Overview and Scrutiny report in line with Procedure Rule 5.10.3 above then the matter will be referred to Council for review or determination, and the Proper Officer will call a Council meeting to make a determination or to make a recommendation to the Leader.

5.11 Rights of Overview and Scrutiny Committee Members to Documents

- 5.11.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in Procedure Rule 1 - Access to Information in Part 4 of this Constitution.
- 5.11.2 Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.
- 5.11.3 Upon request from a member of the Overview and Scrutiny Committee, the Executive must make available any material relating to business associated with past decisions. This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made.
- 5.11.4 Exempt information can be excluded in relation to the provision at Procedure Rule 5.11.3 above unless it relates to an action or decision that the Member is scrutinising, or to any review in the Overview and Scrutiny Committee's work programme. Overview and Scrutiny Members are not entitled to any exempt material which contains advice provided by a political advisor or assistant.
- 5.11.5 In the event that the Executive determines that material will not be provided, it must set out in writing the reasons for its decision.

5.12 Members and Officers Giving Account

- 5.12.1 The Overview and Scrutiny Committee or a Panel appointed by it may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.
- 5.12.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive, the Head of Paid Service and/or any Senior Officer and above 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 (outside the Council's disciplinary process).

- 5.12.3 and it is the duty of those persons to attend if so required.
- 5.12.4 Where any Member or Officer is required to attend an Overview and Scrutiny Committee (or a Panel) under this provision, the Chairman of that Committee or Panel will inform the Proper Officer.
- 5.12.5 The Proper Officer shall inform the Member or Officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend.
- 5.12.6 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 or Panel.
- 5.12.7 Where the account to be given to the Committee or Panel 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.
- 5.12.8 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Panel shall in consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of 10 working days from the originally required date.

5.13 Attendance by Others

- 5.13.1 The Overview and Scrutiny Committee or a Panel appointed by it may invite people other than those people referred to in Procedure Rule 5.12 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 may invite such people to attend.

5.14 Call-In

- 5.14.1 Call-in should only be used in exceptional circumstances. These are where Members of the Council have evidence which suggests that an Executive decision was not taken in accordance with the principles set out in Article 14 (Decision Making).
- 5.14.2 When a decision is made by the Leader, the Executive, an individual Member of the Executive, or a Key Decision is made by an Officer with delegated authority from the Leader 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 3 working days of being made. The schedule of decisions will be published on the eMembers' Room intranet, within the same timescale.
- 5.14.3 That 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 it is subject to 'call-in'.
- 5.14.4 During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by written notice signed by any five Members of the Council stating the reasons for the call-in

and requesting the attendance of any Member or Officer under Procedure Rule 5.12.

- 5.14.5 The Proper Officer shall then notify the decision-maker of the call-in.
- 5.14.6 He shall call a meeting of the Committee to be held on such date as he may determine, where possible after consultation with the Chairman of the Committee, and in any case within 15 working days of the decision to call-in.
- 5.14.7 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, if the item is major or has significant public interest, refer the matter to full Council.
- 5.14.8 If referred to the decision-maker they shall then reconsider the decision, amending the decision or not, before adopting a final decision.
- 5.14.9 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 15 working day period, whichever is the earlier.
- 5.14.10 If the matter was referred to 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.
- 5.14.11 However, if the Council does object it has no locus to make decisions in respect of an Executive 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.
- 5.14.12 That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 5.14.13 Where the decision was taken by the Executive as a whole a meeting will be held to reconsider within 15 working days of the Council request.
- 5.14.14 Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.
- 5.14.15 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.

5.15 Call-in and urgency

- 5.15.1 The call-in procedure set out above shall not apply where the decision being taken is urgent.

- 5.15.2 A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests.
- 5.15.3 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 5.15.4 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.
- 5.15.5 In the absence of the Mayor the Deputy Mayor's consent shall be required.
- 5.15.6 In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.
- 5.15.7 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 5.15.8 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.

5.16 The Party Whip

- 5.16.1 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee or Panel 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.
- 5.16.2 The declaration, and the whipping arrangements, shall be recorded in the Minutes of the meeting.

5.17 Procedure at Overview and Scrutiny Committee Meetings

- 5.17.1 The Overview and Scrutiny Committee shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) apologies for absence and substitutions;
 - (iii) declarations of interest (including whipping declarations);
 - (iv) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (v) responses of an Executive decision maker to reports of the Overview and Scrutiny Committee; and
 - (vi) the business otherwise set out on the Agenda for the meeting.
- 5.17.2 Where the Overview and Scrutiny Committee or Panels appointed by it conduct investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Committee or Panel be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee or Panel by giving evidence be treated with respect and courtesy; and
- (iii) that the investigations be conducted so as to maximise the efficiency of the investigation or analysis.

5.18 Councillor Call for Action

5.18.1 The Overview and Scrutiny Committee will consider a Councillor Call for Action (CCfA) that:

- (i) has been submitted in relation to a matter that affects a single Ward;
- (ii) has been submitted by a Councillor from the Ward affected;
- (iii) is in relation to a Local Government matter (including the 'wellbeing' powers under the Local Government Act 2000);
- (iv) demonstrates that all existing avenues have been exhausted and that this is a matter of a 'last resort';
- (v) has been submitted on the prescribed request form;
- (vi) adheres to the process set out in the flowchart diagram at Annex 1 attached; and
- (vii) states:
 - (a) the nature of the issue;
 - (b) what action has been taken to resolve the issue;
 - (c) an outline of the resolution to the problem being sought; and
 - (d) an indication of any other organisations involved in the CCfA.

5.18.2 The Overview and Scrutiny Committee will not consider a Councillor Call for Action (CCfA) that:

- (i) is vexatious, persistent, unreasonable or a discriminatory request; and
- (ii) is in relation to a Planning, Licensing or Regulatory application.

5.19 Crime and Disorder - Detailed Operational Arrangements

5.19.1 For the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that the following detailed operational arrangements be put in place for the "Crime and Disorder Committee", i.e. the Overview and Scrutiny Committee:

Co-opting Members onto the 'Crime and Disorder Committee'

5.19.2 The Committee may co-opt additional Members to serve on the Crime and Disorder Committee.

Such Members:

5.19.3 cannot vote on any particular matter unless the Committee so determines;

5.19.4 may have membership limited to the exercise of the Committee's powers in relation to a particular matter or type of matter;

5.19.5 must be either an employee, officer or member of a responsible authority or of a co-operating person or body;

5.19.6 must not be a Member of the Executive of the Committee's local authority (or authorities);

5.19.7 may have their membership withdrawn at any time by the Committee.

Frequency of Meetings

5.19.8 The Committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

Information Provision

5.19.9 Where the Committee makes a request in writing for information from the responsible authorities or the co-operating persons or bodies the information must be provided no later than the date indicated in the request.

5.19.10 If some or all of the information cannot reasonably be provided on such date, then that information must be provided as soon as is reasonably possible.

5.19.11 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers.

5.19.12 This information should not include anything that is likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether action together or individually, or of the co-operating persons or bodies.

Attendance at Committee Meetings

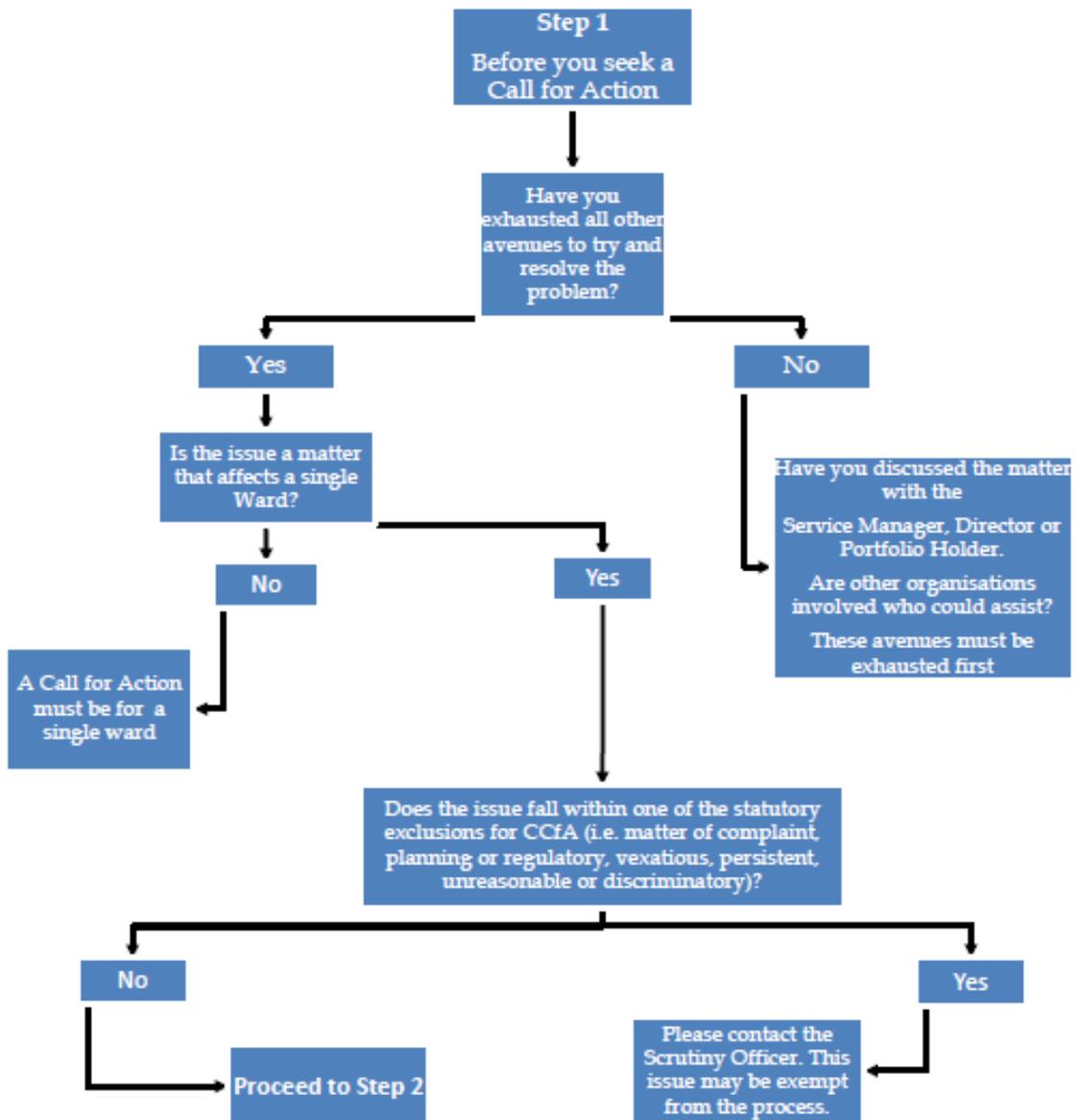
5.19.13 The Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

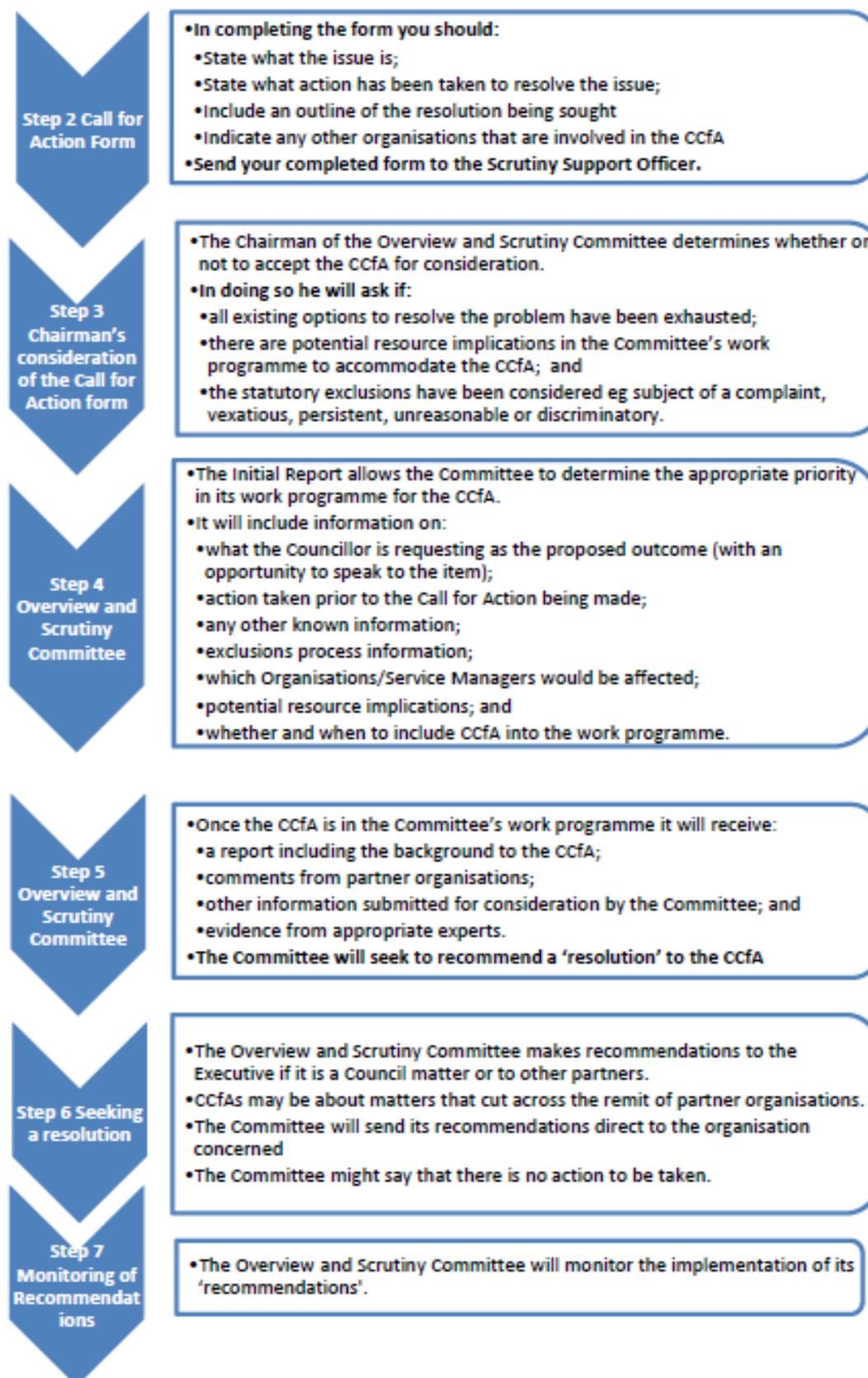
5.19.14 Reasonable notice must be given of the intended date of attendance.

Reports and Recommendations

- 5.19.15 A report or recommendations from the Committee to a responsible authority or to a co-operating person or body require a written response from that body within a period of 28 days from the date of the report or recommendations or, if that is not reasonably possible, as soon as practicable thereafter.

Annex 1 - Councillor Call for Action Process





Procedure Rule 6 - Policy Framework and Budget

6.1 The Framework for Executive Decisions

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

6.2 Process for Developing the Framework

- 6.2.1 The Leader will publicise by any methods that he/she feels appropriate, e.g. on the Council's web site or in local press, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the policy framework and budget and its arrangements for consultation after publication of those initial proposals.
- 6.2.2 The Chairman of the Overview and Scrutiny Committee will also be notified.
- 6.2.3 The consultation period shall be not less than 8 weeks.
- 6.2.4 At the end of that period, the Leader (or Executive decision maker) will then draw up firm proposals for submission to Council having regard to the consultation responses, including any from the Overview and Scrutiny Committee.
- 6.2.5 Once the firm proposals have been approved, the Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 6.2.6 In reaching a decision, the Council may adopt the proposals, amend them, refer them back to the Executive decision maker for further consideration, or in principle, substitute its own proposals in their place.
- 6.2.7 If it accepts the recommendation without amendment, the Council may make a decision which has immediate effect.
- 6.2.8 Otherwise, it may only make an in-principle decision.
- 6.2.9 In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- 6.2.10 The decision will be publicised in accordance with Article 4 and a copy shall be placed on the eMembers' Room intranet.
- 6.2.11 An in-principle decision will automatically become effective 5 clear working days from the date of the Council's decision, unless the Leader has informed the Proper Officer in writing within that period that he/she objects to the decision becoming effective and provides reasons why.
- 6.2.12 In that case, the Proper Officer will call a Council meeting within a further 15 working days.
- 6.2.13 At that meeting the Council will be required to re-consider its decision and the Leader's written submission.

- 6.2.14 The Council may:
- (a) approve the Executive decision maker's recommendation by a simple majority of votes cast at the meeting; or
 - (b) approve a different decision which does not accord with the recommendation of the Executive decision maker by a simple majority.
- 6.2.15 The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- 6.2.16 In approving the policy framework and budget, 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 Leader (or Executive decision maker) in accordance with Procedure Rules 6.5 and 6.6 (virement and in-year adjustments).
- 6.2.17 Any other changes to the policy framework and budget are reserved to the Council.
- 6.2.18 Once the policy framework and budget has been established, it will be annually costed to form the 'Approved Budget'.
- 6.2.19 This budget will then be recommended by the Leader (or Executive decision maker) to the Council as their budget requirement for that financial year.
- 6.2.20 Once approved by the Council the budget will then form the basis for the levying of Council Tax.

(NOTE: A flow chart showing the decision making process for Policy Framework documents (Article 4) is set out in Procedure Rule 6 Annex 1).

6.3 Decisions Outside the Policy Framework and Budget

- 6.3.1 Subject to the provisions of Procedure Rule 6.5 the Leader (or Executive decision maker) may only take decisions which are in line with the policies in place at that time and any associated budgets.
- 6.3.2 If the Leader (or Executive decision maker) wishes to make a decision which is contrary to the policies, or not in accordance with the approved budget, then that decision may only be taken by the Council, subject to Procedure Rule 6.4 below.
- 6.3.3 If the Leader (or Executive decision maker) wants to make such a decision, advice shall be taken from the Monitoring Officer and the Chief Finance Officer.
- 6.3.4 If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Procedure Rule 6.4 shall apply.

6.4 Urgent decisions outside the Policy Framework and Budget

- 6.4.1 This procedure covers decisions contrary to the current policies of the Council and not in accordance with the budget.

- 6.4.2 The Leader (or Executive decision maker) may take a decision which is contrary to the Council's policy framework or not in accordance with the budget approved by full Council if the decision is a matter of urgency.
- 6.4.3 However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- 6.4.4 The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman (or in his/her absence, the Vice Chairman) of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 6.4.5 In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor or in his absence the Deputy Mayor will be sufficient.
- 6.4.6 Following the decision, the decision maker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6.5 Virement

- 6.5.1 The Council operates a series of Service budgets which form the basis of the Council's overall budget requirement.
- 6.5.2 Steps taken by the Leader to implement Council policy shall not exceed those budgets allocated to each budget area.
- 6.5.3 However, the Leader shall be entitled to vire across service budget areas up to a maximum of £250,000 per request.
- 6.5.4 Beyond that limit, approval to any virement across service budget areas shall require the approval of the full Council (see Annex 3 (Scheme for Amendment of the Revenue Budget) to Procedure Rule 7 – Financial, for further details).

6.6 In-year Changes to Policy Framework

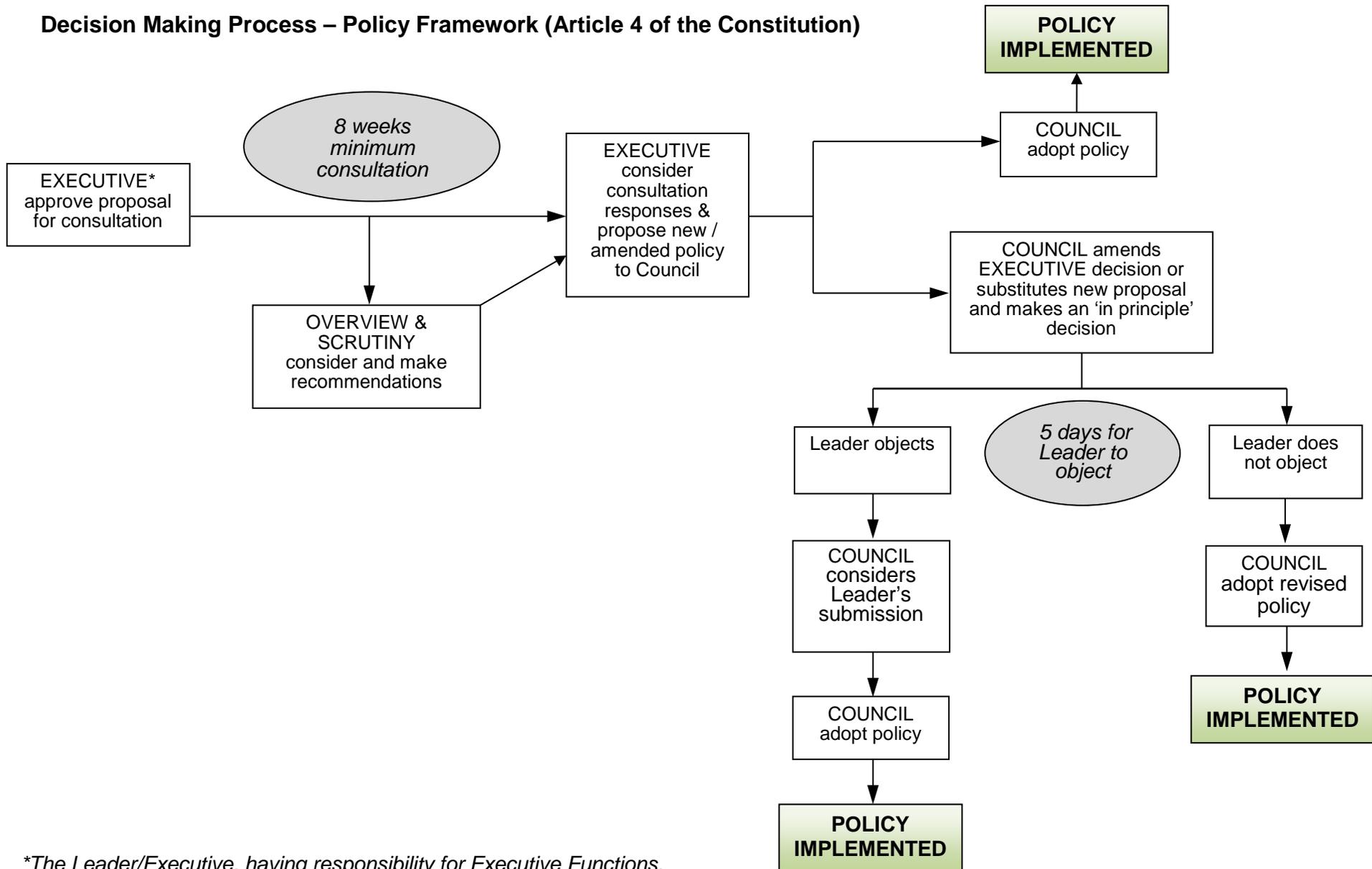
- 6.6.1 The responsibility for agreeing the Policy framework and budget lies with the Council, and decisions by the Leader / Executive Decision Maker, individual Members of the Executive or Officers, or joint arrangements discharging executive functions must be in line with it.
- 6.6.2 No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (i) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (ii) necessary to ensure compliance with the law, ministerial direction or Government guidance;
 - (iii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but

where the existing policy document is silent on the matter under consideration.

6.7 Call-in of decisions outside the Policy Framework and Budget

- 6.7.1 Where the Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 6.7.2 The process for the Call-in of such decisions is set out in Procedure Rule 5 - Overview and Scrutiny Committee.

Decision Making Process – Policy Framework (Article 4 of the Constitution)



**The Leader/Executive, having responsibility for Executive Functions.
Please refer to the Responsibility for Functions in Part 3 of the Constitution.*

Financial Procedure Rules

Introduction

The Council is required by law to conduct its business efficiently and to ensure that it has sound financial management policies in place, which are strictly adhered to. Part of this process is the establishment of Financial Procedure Rules, which set out the financial policies of the authority. Financial Procedure Rules apply to every Member and Officer of the Council and anyone acting on its behalf.

Financial Procedure Rules provide clarity about the accountabilities of individuals, Members of the Executive, the Chief Executive as Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, and members of the Strategic Management Team.

The Chief Finance Officer is the officer required by Section 151 of the Local Government Act to be responsible for the proper administration of the Council's financial affairs. He is the financial advisor to the Council and exercises control over all financial matters, accounting records and control systems

Heads of Service must inform the Chief Finance Officer of any matter within their area of responsibility which is likely to have significant financial consequences. All financial implications in any report prepared for Portfolio Holders or Committee must be referred to the Chief Finance Officer for approval and must be presented in the manner agreed with the Chief Finance Officer.

Heads of Service must consult with Chief Finance Officer with respect to any matter within his area of responsibility which is likely to materially affect the finances of the Council before any commitment is incurred and before any report is made to Portfolio Holders or Committees.

Officers should read these procedure rules in conjunction with the other documents which form part of the Council's Constitution.

All Members and Officers have a general responsibility to provide for the security of assets under their control, and for ensuring the use of these assets is legal, properly authorised and provides value for money. The Chief Finance Officer is responsible for maintaining a continuous review of Financial Procedure Rules and advising the Council of any changes necessary. Heads of Service are responsible for ensuring that all staff are aware of their responsibilities according to the Financial Procedure Rules and other internal regulatory documents.

The Chief Finance Officer is responsible for issuing advice and guidelines to underpin Financial Procedure Rules which Members, Officers and others acting on the Council's behalf are required to follow. These are in the form of Financial Practice Notes.

It may constitute a disciplinary offence for any Officer to fail to comply with these Financial Procedure Rules. Employees have a duty to report apparent breaches of Financial Procedure Rules to an appropriate Senior Manager, Internal Audit or the Head of Service responsible for Finance. These breaches should be onwardly reported to the Chief Finance Officer and the Monitoring Officer.

If any Officer is in any doubt about the appropriate action required, he/she should consult their Head of Service in the first instance. Advice can also be sought from Internal Audit before proceeding. Reference can also be made to the Council's Anti-Fraud and Anti-Corruption Strategy Policy.

The Council (or Leader in matters of Urgency) may waive any part of these Financial Procedure Rules in a particular case or for any particular activity having received a report from the Chief Finance Officer recommending that it is appropriate.

These Financial Procedure Rules apply to direct activities of the Council and where a function has been delegated to a partnership arrangement.

In these Financial Procedure Rules any reference to Chief Finance Officer includes any appropriate senior officer acting on behalf of, and with the authority of the Chief Finance Officer.

Guidelines for Using Financial Procedure Rules

Financial Procedure Rules apply to all of the Council's financial activities.

An Officer to whom a responsibility is delegated may authorise another officer to act on his/her behalf but accountability remains with the authorising officer.

Officers are referred to Financial Practice Notes and other guidance issued by the Chief Finance Officer for amplification of these Procedure Rules.

1. GENERAL

1.1. Overview

1.1.1 Service Units have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. The information must therefore be accurate and the systems and procedures should be sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly. Where possible all systems and procedures should be integrated to ensure consistency of the data held. If the systems are not integrated then a process of financial reconciliation between the two sets of data must take place on a regular basis.

1.1.2 The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and must approve any new developments or planned changes.

1.1.3 The accounting procedures adopted by the Council must reflect recommended professional practices. Any material departure must be acceptable to the Chief Finance Officer and the Council's External Auditors.

1.2 Key Control Requirements

- (a) Members and Officers must understand and abide by their roles and responsibilities to ensure clear accountability;
- (b) Accurate, complete and timely data exists to enable the compilation of performance management information and the setting of targets, budgets and plans
- (c) Proper warning must be provided of deviations from targets, plans and budgets that require management attention;
- (d) Operational systems and procedures should be secure from all forms of risk and disruptions.

2. INTERNAL CONTROLS

2.1 Overview of Internal Control

2.1.1 The authority is a complex organisation and therefore requires internal controls to manage and monitor progress towards strategic objectives. It has to meet statutory obligations, and therefore requires internal controls to identify, meet and monitor compliance with these obligations.

2.1.2 The system of internal controls is established in order to provide assurance that:

- (a) Proper authorisation procedures are in place and followed
- (b) Operations are efficient and effective;
- (c) Financial information and reporting is reliable;
- (d) Relevant regulations are complied with and;
- (e) Probity is assured and risk of loss, either accidental or fraudulent minimised

2.2 Key Internal Controls

- 2.2.1 Managerial control systems must exist to define policies, set objectives and plans, monitor financial and other performance indicators and to take appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- 2.2.2 Financial and operational control systems and procedures, should include physical safeguards for assets, segregation of duties, authorisation and approval procedures.
- 2.2.3 An effective internal audit function must exist which operates in accordance with the principles stated in the Auditing Practices Board's auditing guideline '*Guidance for Internal Auditors*', and with any other statutory obligations and regulations. Internal Audit will undertake effective reviews of systems and procedures on a regular basis.

3. INTERNAL AUDIT

3.1 Overview

- 3.1.1 The Chief Finance Officer has a statutory responsibility for the overall financial administration of the Council's affairs and is responsible for maintaining an adequate and effective internal audit.
- 3.1.2 Internal Audit is an independent and objective appraisal function established by the Council for reviewing the authority's system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

3.2 Key Internal Audit Controls

- 3.2.1 The key controls for Internal Audit are that:
- (a) It remains independent in planning and operation;
 - (b) They have direct access to the Chief Executive, the Leader/Executive and the Council's Overview & Scrutiny Committee;
 - (c) The internal auditor complies with Auditing Practices Board's auditing guideline '*Guidance for Internal Auditors*' and other relevant guidance;
 - (d) Internal Audit shall have access at any reasonable time and shall have the authority to apply any test or check they deem necessary to the accounts, cash, securities or other properties or records which relate in any way to the operations of the Council.

4. EXTERNAL AUDIT

4.1 Overview

- 4.1.1 The Local Government Finance Act 1982 set up the Audit Commission for local authorities and police authorities in England and Wales which is responsible for appointing external auditors to each local authority. The Chief Finance Officer is responsible for working with the external auditor and for advising the Council, Leader/Executive and Heads of Service on their responsibilities in relation to External Audit. The external auditor has the same rights of access as the internal auditor to all documents, which are necessary for audit purposes.

4.1.2 The basic duties of the external auditor are governed by section 5 of the Audit Commission Act 1998, under which auditors need to satisfy themselves that:

- a) The accounts are prepared in accordance with regulations made under Section 27 of the 1998 Act and comply with the requirements of all statutory provisions applicable to the accounts;
- b) Proper practice has been observed in compilation of accounts and;
- c) The authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

4.1.3 The Council's accounts are scrutinised by external auditors, appointed by the Audit Commission, who must be satisfied that the statement of accounts presents fairly the financial position of the authority and its income and expenditure for the year in question and complies with legal requirements.

4.2 Key External Audit Control

4.2.1 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares guidelines, which the external auditors follow when auditing the authority's statement of accounts.

5. ACCOUNTING POLICIES

5.1 Overview

5.1.1 The Chief Finance Officer is responsible for the preparation of the Council's Statement of Accounts, in the format required by the *CIPFA Code of Practice on Local Authority Accounting in the United Kingdom : A Statement of Recommended Practice, for the financial year ending 31 March*.

5.2 Key Accounting Policy Controls

5.2.1 The key controls for accounting policies are:

- a) Suitable accounting policies are selected and applied consistently;
- b) Judgements are made and estimates prepared which are reasonable and prudent;
- c) Statutory and other professional requirements are observed to maintain proper accounting records;
- d) All reasonable steps have been taken for the prevention and detection of fraud and other irregularities.

6. ACCOUNTING RECORDS AND RETURNS

6.1. Overview

6.1.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to External Audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resource.

6.2 Key Accounting Record Controls

6.2.1 The key controls for accounting records and returns are:

- a) All Members and Officers operate within the Council's established financial framework;
- b) All the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis in the Council's General Ledger to a level of detail determined by the Chief Finance Officer;
- c) Procedures should be in place to enable accounting records to be reconstituted in the event of failure;
- d) Reconciliation procedures should be carried out to ensure transactions are recorded correctly;
- e) The Chief Finance Officer may from time to time issue requirements for accounting records or procedures which must be adhered to by all Officers to ensure that the Council meets the statutory requirements of audit.

7. FORMAT OF THE ACCOUNTS

7.1 Overview

7.1.1 The structure of the budget and therefore the statement of the accounts will determine the level of detail on which financial control and management will be exercised. The structure will shape how the rules around virement will operate, the operation of cash limits and will set the level at which funds may be re-allocated within budgets.

7.2 Key Controls for the Format of the Accounts

7.2.1 The key controls for the budget structure are:

- a) Compliance with all legal requirements;
- b) Compliance with the CIPFA Code of Practice on Local Authority Accounting in Great Britain.
- c) To allow the budget to be divided into meaningful parts, for each of which accountability can be clearly allocated.

8. REVENUE BUDGET

8.1 Overview

8.1.1 Budget Management ensures that resources allocated by the Council are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account managers responsible for defined elements of the budget.

8.1.2 By identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an "Approved Budget" set annually by full Council based on a recommendation from the Leader/Executive, in accordance with the Policy & Budget Framework Procedure rules.

- 8.1.3 The Approved Budget is the aggregated resources required by the Council to fulfil its policy commitments for that year. The Approved Budget can therefore be defined as:
- the budget requirement established for Council Tax purposes (including contingencies).
 - all reserves and balances.
- 8.1.4 During the year the Leader/Executive may approve changes within the approved budget, to accord with changes in the way that the Council is operating and to react to changes within its operating environment,
- 8.1.5 The effects of these changes will be recorded as the 'Management Budget' against which budgetary control processes will then operate
- 8.1.6 To ensure that the Council does not overspend, each Budget Holder is required to manage his/her own income and expenditure within the cash limit set within the Management Budget

8.2 Key Revenue Budget Controls

- 8.2.1 The key controls for managing and controlling the revenue budget are:
- (a) The Council shall approve a revenue budget and Council Tax in accordance with the relevant legislation.
 - (b) That Leader, Members of the Executive and the Overview and Scrutiny Committee are provided with all financial information that they need to determine policy and review performance respectively.
 - (c) Each "£" of budgeted income and expenditure shall be allocated to a named budget holder.
 - (d) Budget holders shall be responsible for income and expenditure against the budget that is allocated to them.
 - (e) Budget holders shall accept accountability for their budgets and the level of service to be delivered.
 - (f) Budget holders shall follow an approved certification process for all expenditure.
 - (g) Income and expenditure shall be properly accounted for and recorded.
 - (h) Performance levels/levels of service must be monitored in conjunction with the budget and necessary action taken to align service outputs and budget.
 - (i) Any contingency budgets will be the responsibility of the Chief Finance Officer who shall be responsible for approving expenditure against any such contingency.
 - (j) Where in the opinion of the Chief Finance Officer actual or proposed expenditure is likely to result in a budget overspend, the Head of Service concerned must take appropriate management action and/or seek a virement to offset this overspend.

- (k) In accordance with the Employment Procedure Rules, the salary budgets for the permanent staffing establishment, are 'ring-fenced' and not available for virement without the agreement of the Executive
- (l) Budget holders shall receive and review budget monitoring reports monthly in accordance with a procedure prescribed by the Chief Finance Officer.

9. SCHEME FOR ADMINISTRATION OF AMENDMENTS TO THE REVENUE BUDGET

9.1 Overview

9.1.1 The Council's scheme for the management of amendments to the Approved Budget (or virement) is administered by the Chief Finance Officer within guidelines set by Council. Any variation from this scheme requires the approval of Council.

9.1.2 The scheme is intended to enable the Leader/Executive and Heads of Service to manage budgets with a degree of flexibility within the overall Policy Framework determined by the Council, and therefore optimise the use of resources. Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently. They must not support recurring expenditure from one-off sources, savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources.

9.2 Key Controls

9.2.1 Amendments must only be made in accordance with the following guidelines:

- (a) The limits and authorisation requirements as set out in Annex 3;
- (b) Where such a change leaves the originating budget with sufficient funds to meet its commitments.

10. TREATMENT OF YEAR END CARRY OVERS

10.1 Overview

10.1.1 At the end of each financial year, where a policy implementation or a specific project has not been completed because of factors beyond the control of the Budget Holder, this may lead to an underspend against the allocated budget. Where they feel it to be necessary the Budget Holder may make a request to the Chief Finance Officer for the unused budget to be carried forward to the following financial year.

10.1.2 The Chief Finance Officer will determine a set of criteria against which any request will be evaluated.

10.1.3 Once the Chief Finance Officer, has assured himself of the validity of the request, they will seek the approval of the Executive to carry that proportion of the "Management Budget" forward to the next financial year.

10.2 Key Controls

10.2.1 Requests for carryovers will only be approved, where there is clear evidence that the situation has arisen by events out of the Budget Holders control.

- 10.2.2 Requests will have to prove that the budget being carried forward is still required and the uncompleted works cannot be funded from the Approved Budget for the year into which the carryover is being made.

11. MANAGEMENT OF RESERVES AND BALANCES

11.1 Overview

- 11.1.1 The Council's scheme of reserves and balances is administered by the Chief Finance Officer within guidelines set by the Council. Any variation from this scheme requires the approval of the full Council.

- 11.1.2 Under the scheme the Council may determine to set aside specific amounts from the reserves to meet a designated requirement.

- 11.1.3 The Chief Finance Officer will propose a schedule of reserves and balances each year as part of the budget setting report. In determining that proposal the Chief Finance Officer will consult with the Portfolio Holders with responsibility.

- 11.1.4 Expenditure funded from any designated reserves can only be made in accordance with the Scheme of Delegation set up for the specific administration of that reserve.

- 11.1.5 The scheme of delegation (on reserves) will include the following:

- (a) the reason for/purpose of the reserve;
- (b) how and when the reserve can be used; and
- (c) the procedure for the reserve's management and control.

- 11.1.6 The Chief Finance Officer should ensure that all expenditure funded directly from designated reserves are incorporated into the Management Budget and reported on as part of the Budgetary Control process.

- 11.1.7 General non-designated reserves and balances are maintained as a matter of prudence to support unforeseen need. The Chief Finance Officer will determine the adequacy of the level of these reserves, each year as part of the budget setting process.

11.2 Key Controls

- 11.2.1 The scheme of reserves and balances will be maintained in accordance with the Code of Practice on Local Authority Accounting in Great Britain and agreed accounting policies.

- 11.2.2. The Chief Finance Officer shall agree all movements between balances and provisions and shall report on such as part of reporting the outturn financial performance of the Council annually to the Executive. Budgetary adjustments may be required as part of this exercise.

12. CAPITAL PROGRAMME AND FUNDING

12.1 Overview

- 12.1.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 12.1.2 The Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

12.2 Key Capital Programme Controls

12.2.1 The key controls for capital programmes are:

- (a) The Capital Strategy which sets the framework within which all capital schemes are approved and monitored;
- (b) The Asset Management Plan (AMP) which identifies the key assets, their use, value and condition. The AMP should be used as part of the process to determine the priorities when setting the capital programme;
- (c) Specific approval is provided by the Council for the programme of capital expenditure;
- (d) A scheme and estimate, including associated revenue expenditure shall be prepared for each capital project, for approval by the Executive;

The Chief Finance Officer shall recommend funding for all schemes for approval by the Executive.

13. CONTRACTS AND CAPITAL MONITORING

13.1 Overview

13.1.1 Capital expenditure is tightly controlled by central Government and it is essential that the limited resources available are tightly controlled so that the Council may achieve the outcomes it desires. The controls set out below shall apply to both revenue contracts and capital unless otherwise stated.

13.2 Key Contract Controls

- 13.2.1 No tender must be accepted unless it complies with and is within the tolerance limits set out in the Council's Contract Procedure Rules.
- 13.2.2 Where expenditure on a scheme is spread out over more than one year, a tender may only be accepted if resources have been earmarked in all years concerned.
- 13.2.3 Heads of Service must identify and report the projected over-spend or under-spend on any scheme as soon as they are identified, in accordance with the procedures set out in Annex 4. Where the cost of a scheme increases in stages it must be reported at each stage with reference made to all previous increases.

- 13.2.4 A register recording amounts due under contracts that provide for payments to be made in instalments shall be kept.
- 13.2.5 Any variation in a contract should be in writing and authorised by an approved signatory and show any estimated variation in costs which would have a significant impact upon the total cost of the contract.
- 13.2.6 All payments under such contracts shall be made on a certificate signed by the appropriate Head of Service. The certificate shall be dated and contain the total contract sum together with the estimated value of works to date and any retentions/liquidated damages withheld.
- 13.2.7 Where Council contracts are supervised and managed by persons other than Officers of the Council, the agreement with that person shall stipulate that they must provide to the Council, for inspection by its Officers, all relevant vouchers and documents.
- 13.2.8. Claims from contractors in respect of matters not clearly within the terms of any existing contracts must be referred to the Head of Service responsible for Legal before any settlement is reached.

14. PREVENTING FINANCIAL IRREGULARITIES

14.1 Overview

- 14.1.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities whether from inside or outside the authority.
- 14.1.2 The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal and financial requirements, rules, procedures and practices.
- 14.1.3 The Council also expects that organisations it comes into contact with, and persons/companies working on its behalf, will act towards the Council with integrity and without thought or actions involving fraud and corruption.
- 14.1.4 Detailed guidance on reporting fraud and irregularities is available within the Council's Anti-Fraud and Anti-Corruption Strategy.

14.2 Key Prevention Controls

- 14.2.1 The key controls regarding the prevention of financial irregularities are that:
- (a) The culture and tone of the authority is one of honesty and opposition to fraud and corruption;
 - (b) All Members and Officers of the Council shall act with integrity and lead by example;
 - (c) All individuals and organisations associated in any way with the Council will act with integrity;
 - (d) Heads of Service are required to deal swiftly and firmly with those who defraud the Council or are corrupt and Internal Audit must be informed at the commencement of any investigation;
 - (e) Both Internal and External Audit regularly review the corporate governance of the authority and will draw matters to the attention of the Chief Finance Officer or the Monitoring Officer as appropriate.

15. INVENTORIES AND SECURITY OF ASSETS

15.1 Overview

15.1.1 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services, and that there should be arrangements for the security of both assets and service operations.

15.2 Key Asset Controls

15.2.1 An up to date inventory of all readily portable items and those with a purchase value of £250 or more and an estimated life in excess of 12 months shall be maintained by each Head of Service for their Service Unit, in accordance with guidelines issued by the Chief Finance Officer. The inventory will record the following:-

- (a) Description of item;
- (b) Value of each item;
- (c) Date of purchase;
- (d) Security tag number;
- (e) Make and model;
- (f) Serial number.
- (g) Location of the item

15.2.2 An annual physical inventory check must be undertaken and any discrepancies identified and reported to the Head of Service responsible for Finance. In respect of stores, procedures should be in place to ensure continuous stock takes and the level of stock should be maintained at reasonable levels.

15.2.3 All assets over £500 shall, as far as practicable, be effectively marked as Council property.

15.2.4 The Chief Finance Officer will issue detailed procedure relating to the disposal of surplus or obsolete items.

15.2.5 Authorisation from the Chief Finance Officer must be obtained for appropriate adjustment to the inventory and of stock records in the event of a loss being incurred.

15.2.6 All items loaned to Members and Officers (e.g. laptop computers) must be separately recorded in a record and an appropriate procedure be established to ensure their return.

15.2.7 The key controls for the security of resources such as land, buildings, fixed plant and machinery are:

- a) Heads of Service must obtain specific funds for the specified level of service delivery;
- b) Resources must only be used for the purposes of the Council and must be properly accounted for;
- c) Resources must be secured and available for use when required;
- d) Resources no longer required must be disposed of so that the Council maximises any benefits arising from the disposal.

- 17.2.2 Obsolete stock with a value of less than £1,000 should be disposed of after consultation with the Chief Finance Officer. Obsolete stock with a value greater than £500 should be disposed of in accordance with section 16 above.
- 17.2.3 All practicable steps must be taken to ensure that a delivery note submitted by the supplier or by the person delivering is obtained at the time of delivery. All goods delivered must be checked to verify that the correct quantity has been received.
- 17.2.4 All goods must be checked as regards quality and with the specification as soon as practicable after delivery.
- 17.2.5 No article or goods shall be issued from any store unless the person receiving the goods produces a stores requisition note, properly certified.
- 17.2.6 The responsible Head of Service shall make arrangements for a system of rolling stock takes to be carried out so that the stock of all articles is confirmed at least once in each financial year. Stock checks must be undertaken annually by an Officer not responsible for the stores and a certificate of stock must be issued to the Head of Service responsible for Finance as at 31st March in all financial years.
- 17.2.7 The Chief Finance Officer shall be entitled to check stores, if necessary requiring closure of the stores after consultation and agreement with the Head of Service, and be supplied with such information as required in relation to stores for the accounting, costing and financial records of the Council.

18. PETTY CASH/ IMPREST ACCOUNTS ETC.

18.1 Overview

- 18.1.1 The Chief Finance Officer shall make such advances as deemed appropriate for the defraying of authorised expenses of the Council. Such advances shall be maintained on an imprest basis.
- 18.1.2 The petty cash account should only be used for miscellaneous or minor purchases under £100 where it is impossible to arrange for payment through the normal creditors process.

18.2 Key Petty Cash Controls

- 18.2.1 A request should be made in writing via the Chief Finance Officer in order to open/close a petty cash account/imprest account.
- 18.2.2 Imprest accounts shall not be permitted to be overdrawn.
- 18.2.3 Adequate security arrangements with regard to any cash balances held should be exercised at all times in accordance with requirements of the Council's Insurers. Stamps (including any franking machine) and similar stocks shall be properly controlled.
- 18.2.4 Each petty cash/imprest holder shall annually, and at other times when requested, provide a certificate to the Chief Finance Officer of the amount held and a reconciliation covering all expenditure incurred.
- 18.2.5 On leaving the Council's employment or otherwise ceasing to be responsible for a petty cash or imprest float, each Officer shall account to the Chief Finance Officer for the amount advanced. It is the responsibility of the relevant Officer's Head of Service to ensure that this happens.

- 18.2.6 Payments shall be limited to minor items of expenditure not exceeding £100 unless approval is given by the Head of Service responsible for Finance for exceptional payments in excess of this figure.
- 18.2.7 Receipts for all disbursements shall be obtained, and the petty cash/imprest holder shall obtain a signature for all reimbursements. A VAT invoice must be obtained for all purchases, and care taken to isolate the VAT element in any payment made from the imprest account.
- 18.2.8 The imprest holder shall be responsible for the control and operation of the imprest account in accordance with any instructions issued by the Chief Finance Officer. All non-computerised records relating to imprest accounts shall be maintained in ink. Expenditure which should form part of the payroll e.g. car allowances, subsistence payments to casual staff or any reimbursement of personal expenditure to any member of staff shall not be processed through imprest accounts. The Chief Finance Officer will specify guidance on the operation of imprest/advance accounts.
- 18.2.9 No income other than the original advance and reimbursement shall be credited to an imprest account.

19. TRUST FUNDS

19.1 Overview

- 19.1.1 A "trust fund" is any fund where the income and expenditure does not form part of the Council's accounts, but which is controlled wholly or in part by an Officer by reason of employment by the authority or employment by a semi-autonomous body e.g. the Mayor's Trust Fund, Commons Trust, Reigate Baths Trust.

19.2 Key Trust Fund Controls

- 19.2.1 A listing of all 'trust funds' shall be maintained by the Chief Finance Officer who will issue and update accounting instructions for their operation.
- 19.2.2 All "trust funds" must be properly accounted for in accordance with the regulations laid down by the Charity Commission.

20. INFORMATION SYSTEMS

20.1 Overview

- 20.1.1 The Council is responsible for many computer systems and items, which support electronic exchange of information. It is important that relevant Acts of Parliament are complied with, (such as *Data Protection Act 1998*), and that all financial systems contain the necessary internal control mechanisms to protect the Council's assets.

20.2 Key Financial Information Systems Controls

- 20.2.1 The development and implementation of all major IT systems should conform to the Council's overall IT Strategy.
- 20.2.2 Officers should ensure that they comply with the Computer Security Guidelines and the Data Protection Act as well as any relevant Codes of Practice.
- 20.2.3 Officers should ensure that they maintain confidentially all passwords issued to them and only access systems for which they have been given specific authority.

20.2.4 All purchases of computer hardware/software, except consumables, should be requested via the Head of Service responsible for ICT.

20.2.5 The Chief Finance Officer is to be consulted in advance on all systems developments or changes which might impact on any financial procedure.

21. RISK MANAGEMENT AND INSURANCE

21.1 Overview

21.1.1 All organisations, whether they are in the private or public sectors, face risks to people, property and continued operations. Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation and control of risk.

21.1.2 Insurance has been the traditional means of protecting against loss but this cannot be seen as the complete answer. By reducing, or even preventing, the incidence of losses (whether they result from crime or accident) the Council will benefit from reduced costs of providing insurance cover and will also avoid the disruption and wasted time caused by losses and insurance claims.

21.1.3 It is the overall responsibility of the Council, to approve the Risk Management policy, and to promote a culture of risk management awareness throughout the authority. The Leader/Executive has overall responsibility for ensuring that the Council addresses "risks" within its operational activity.

21.2 Key Risk Management Controls

21.2.1 The key controls for risk management are:

- a) Procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are promoted throughout the organisation;
- b) Acceptable levels of risk are determined and insured against where appropriate;
- c) Heads of Service are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- d) Provision is made for losses that might result from the risks that remain;
- e) Procedures are in place to investigate claims within required timescales;
- f) A full risk management review shall be carried out at least every 5 years and a monitoring process shall be in place to regularly review the effectiveness of risk management.

21.3 Key Insurance Controls

21.3.1 The key controls for insurance are:

- a) Chief Finance Officer has delegated authority to determine and effect all necessary insurance cover;

- b) Heads of Service must notify the Council's Insurance Officer of any new assets that require to be insured, or any other changes which might affect the current insurance arrangements;
- c) Heads of Service must notify the Insurance Officer of any incidences that might give rise to an insurance claim against the Council, and ensure that they do not admit any liability without the prior agreement of the Insurance Officer;

22. TREASURY MANAGEMENT

22.1 Overview

22.1.1 Many millions of pounds pass through the Council's books each year. The Chartered Institute of Public Finance and Accountancy (CIPFA) lay down the Code of Practice on Treasury Management which the Council follows. This Code, together with the Council's own policies, aims to provide assurances that the Council's money is properly managed in a way which balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

22.2 Key Treasury Management Controls

22.2.1 The Council adopts the CIPFA's Treasury Management in the Public Services: Code of Practice or such other guidance issued by that organisation in the future ("the Code").

22.2.2 The Council will create and maintain the following documents and principles, as the cornerstone for effective treasury management:

- (a) A treasury management policy statement stating the policies, objectives and approach to risk management of its treasury management activities.
- (b) Suitable Treasury Management Practice statements (TMP's) setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- (c) The content of the policy statement and TMP's will follow the recommended practice contained in Section 6 and 7 of the Code of Practice (or such other paragraphs amending or replacing them), subject only to amendments where necessary to reflect the particular circumstances of this Council. Such amendments should not result in the Council materially deviating from the Code of Practice key principles.

22.2.3 The Executive will receive reports on the treasury management policies, practices and activities, including as a minimum an annual strategy and plan in advance of the year, a mid-year review, and an annual report after its close, in the form prescribed in the TMP's.

22.2.4 The Leader is responsible for the implementation and regular monitoring of the Council's treasury management policies and practices and for the execution and administration of treasury management decision to the Council's statutory Section 151 Officer who will act in accordance with the Council's policy statement and TMP's, and if he/she is a CIPFA Member, CIPFA's Standard of Professional Practice on Treasury Management.

22.2.5 The Council appoints the Overview & Scrutiny Committee to be the group of Councillors responsible for ensuring effective scrutiny of the treasury management strategy and procedures.

23. PAYMENTS TO EMPLOYEES AND MEMBERS

23.1 Overview

23.1.1 Staff costs are the largest item of expenditure for most Council services. It is therefore important that there should be effective controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with individual conditions of service.

23.2 Key Remuneration Controls

23.2.1 The key controls for payments to employees and Members are:

- (a) Proper authorisation procedures and adherence to corporate timetables for starters, leavers, variations and enhancements must be complied with;
- (b) Frequent reconciliation of payroll expenditure must be undertaken against approved budgets;
- (c) All requests for payment should only be made on documentation prescribed by the Chief Finance Officer;
- (d) All remuneration paid to any employees must be paid through the Council's payroll system;
- (e) All absences from duty due to sickness or other reasons must be properly recorded in an approved format;
- (f) Information necessary to maintain records of service for pension funds must be properly recorded in an approved format;
- (g) All timesheets or other pay documents must be signed by the employee and authorised by an approved member of staff confirming the entries to be accurate;
- (h) An up to date list of Officers authorised to certify salary documents must be provided to the Chief Finance Officer and any additions/deletions reported on a timely basis;
- (i) A Members' Allowances Scheme must be approved annually by the Council and all payments to Members must be made in accordance with that approved scheme.
- (j) All appropriate payroll documents must be retained and stored for the defined period in accordance with the "*Guidance for the destruction of documents*" (Annex 2);

24. ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

24.1 Overview

24.1.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council's procedures should help to ensure that services can receive value for money in their purchasing arrangements. These procedures should be read in conjunction with the Council's Contract Procedure Rules.

24.1.2 Every Officer and Member of the authority has a responsibility to declare any links or personal interest which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. In addition they must comply with any Codes of Conduct and procedures.

24.2 Key Payment Controls

24.2.1 The key controls for ordering and paying for work, goods and services are:

General

- (a) All purchases of work, goods and services comply with the Council's Contract Procedure Rules;
- (b) An up to date list of Officers authorised to certify both orders and payment documents is held by the Chief Finance Officer;

Ordering of Works, Goods and Services

- (c) All orders for works, goods and services are recorded accurately and promptly;
- (d) All goods and services shall be ordered in accordance with the procedure prescribed by the Chief Finance Officer;
- (e) All orders are in a form approved by the Chief Finance Officer;
- (f) Orders must be issued for all work, goods or services, except for supplies of utilities, periodic payments such as rent, petty cash purchases or other exceptions approved by the Chief Finance Officer;
- (g) Orders must not be used for any personal or private purchases, nor should personal or private use be made of Council contracts;
- (h) Any purchase of IT software, hardware or consumables requires the approval of the Head of Service responsible for ICT;
- (i) Each order conforms to the Council's standard terms and conditions of business. The Council's standard terms and conditions must not be varied without the prior approval of the Chief Finance Officer;
- (j) Orders must not be issued unless the full cost is covered by approved budgetary allocation;
- (k) Orders committing expenditure are recorded in the Council's accounts;
- (l) Goods and services are checked on receipt to ensure they are in accordance with the order, in terms of price, quantity and quality;

Payments for Works, Goods and Services

- (m) All invoices are authorised in advance of payment on a form prescribed by the Chief Finance Officer;
- (n) All payments must be made to the correct person/persons, for the correct amount and shall be properly recorded regardless of the payment method;
- (o) No payment shall be made to any organisation in advance of works, goods or services being rendered to the Council except in instances of contractual obligations, subscriptions, membership, fees and training courses. Prior consent of a Head of Service and the Chief Finance Officer must be obtained in all other instances;

- (p) If the supply is vatable no payment is made without a proper VAT invoice. In exceptional cases, approved by the Chief Finance Officer, a pro-forma invoice is accepted;
- (q) The correct documentation is received before invoices are processed to pay suppliers who fall under the Construction Industry Scheme;
- (r) No payment is made to an individual who should properly be on the Council's payroll;
- (s) All appropriate payment documents are retained and stored for at least the defined period in accordance with the Council's "*Guidelines on the Destruction of Records*" (Annex 2);
- (t) Heads of Service ensure that invoices are dealt with promptly, properly certified, ensuring that any discounts available can be obtained and that the performance indicator for payment timescales is met;
- (u) All expenditure including VAT is recorded accurately and promptly against the correct budget;
- (v) Prior to any e-business/e-commerce and electronic purchasing processes will be in place to maintain security and integrity;
- (w) The preferred method of payment is determined by the Chief Finance Officer. This is currently BACS drawn on the Council's bank account or cheque.
- (x) Petty cash and other payments from imprest/advance accounts are used in circumstances agreed by the Chief Finance Officer;
- (y) The use of direct debit or standing order requires the prior approval of the Chief Finance Officer;
- (z) Budget holders maintain records to enable them to notify the Chief Finance Officer of any committed expenditure where the goods or services have been received but not paid for.

25. CLAIMS FOR EXPENSES AND ALLOWANCES

25.1 Overview

25.1.2 Officers may incur certain expenses in the course of their Council duties. In normal circumstances, the need to incur such expenses shall be approved in advance and shall be incurred in the most cost effective way.

25.2 Key Expenses Controls

25.2.1 All employees submitting claims for expenses must ensure that the claim is in respect of legitimate and authorised expenditure, which has been incurred on Council business.

25.2.2 Certification shall be taken to mean that the certifying Officer is satisfied that journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

25.2.3 All claims for expenses are to be paid through the Council's Payroll System. The use of methods of pre-payment such as travel warrants should be encouraged whenever possible.

25.2.4 Claims are to be made on an approved form clearly detailing the expenditure incurred, supported by receipts where applicable, dated, coded, signed by the claimant and counter signed by the appropriate authorising Officer.

26. INCOME COLLECTION AND DEBT MANAGEMENT

26.1. Overview

26.1.1 Effective utilisation of income collection and debt management systems ensures that all of the income due to the Council is fully identified, collected, recorded and banked properly. Whenever payment is obtained in advance of supplying goods or services. This improves the Council's cash flow and also avoids the time, cost and risk of administering debts.

26.2 Key Income Collection Controls

26.2.1 The key controls for the collection of income are as follows:

Fees and Charges

- (a) Legal liability for payment of money to the Council is clearly established before the Council commits itself to providing any goods or services;
- (b) All fees and charges levied by the Council are in accordance with all governing legislation;
- (c) Fees and charges are set at a level that recovers both direct and administrative costs, unless there is a statutory restriction, Executive or Committee decision or other valid reason;
- (d) Scales of fees and charges for goods/services are reviewed annually and approved by the Executive;
- (e) Debt Management Protocols;

Debt Handling

- (f) All income due to the Council is identified and recorded fully and promptly in the Council's primary systems:-
 - Sx3 for debt relating to Council Tax and non-domestic business rates
 - Debtors, for sundry debt
 - General Ledger for debt managed through a specialist application. These must be approved in advance by the Chief Finance Officer;
- (g) Invoices are sent to the debtor promptly;
- (h) Invoices are in a format agreed by the Chief Finance Officer;

- (i) Effective action must be taken to pursue non-payment of debt within defined timescales;

Receipts

- (j) All money received by an employee on behalf of the Council must be paid without delay into the Council's bank account;
- (k) Council Officers issue an official receipt where an invoice has not been raised. Receipts are provided only on request to other payers;
- (l) Manual receipts are signed by the Officer receiving the money on behalf of the Council;
- (m) Every transfer of Council monies from one Officer to another is evidenced by the signature of the receiving Officer;
- (n) All receipt forms, books, tickets etc. shall be in a form approved by the Chief Finance Officer;
- (o) Personal cheques or electronic transactions are not cashed out of money held on behalf of the Council;
- (p) All money received is processed through the Council's cash management system "ICON";

Banking of Receipts

- (q) All income received by the Council is banked promptly;
- (r) Until the cash is banked it must be retained securely in a cash box or locked drawer or cabinet. The amounts held never exceed the limits agreed with the Chief Finance Officer;
- (s) All money received must be banked intact unless the Chief Finance Officer has given prior approval for the money to be used to offset expenditure. In all cases it must be fully accounted for and not netted off;
- (t) All bankings are prepared in accordance with procedures prescribed by the Chief Finance Officer and using paperwork approved by him.

Writing Off Debt

- (u) An approval for write-off of any debt is obtained (see Annex 1);
- (v) Appropriate accounting adjustments are made promptly following write off action;
- (w) The appropriate income documents are retained for the defined period in accordance with "Guidelines on the Destruction of Records" (Annex 2);
- (x) Every transfer of official monies from one Officer to another shall be evidenced in the records by the signature of the receiving Officer;

27. BANKING ARRANGEMENTS AND CHEQUES

27.1 Overview

27.1.1 The Council operates a number of bank accounts for the collection and payment of monies. Receipts and payments are made through these accounts by both manual (cash, cheques) and electronic (BACS, CHAPS) means. Most payments/receipts should come through the Council's centrally held main accounts; only in exceptional circumstances will separate accounts with cheque books/paying in facilities be authorised by the Chief Finance Officer.

27.2 Key Banking Controls

27.2.1 All arrangements with the Council's bankers concerning the Council's bank accounts will be made through the Chief Finance Officer. Only the Chief Finance Officer is authorised to open bank accounts relating to the Council's business.

27.2.2 All bank accounts shall bear an official title and in no circumstances shall an account be opened in the name of an individual. All stocks of cheques must be held securely and stock records maintained to identify both issued and spoilt cheques.

27.2.3 Bank accounts shall be reconciled with cashbooks at least once in each month and any discrepancies identified and appropriate action undertaken immediately.

27.2.4 Where specific 'Service related' bank accounts are operational. The relevant Head of Service, in relation to that bank account, shall arrange where appropriate such safeguards as necessary and practicable, including the separation of staff duties so that as far as possible the following are the responsibility of at least 2 separate Officers:

- a) The checking of requests for payments;
- b) The control of cheque forms;
- c) The preparation of cheques;
- d) The signature of cheques;
- e) The despatch of cheques;
- f) The entry of the transaction into the cash book;
- g) The reconciliation of bank balances.

27.2.5 All cheques with a value exceeding £25,000 require two authorised signatures.

28. TAXATION

28.1 Overview

28.1.1 The Council is responsible for ensuring all tax affairs are in order. Tax issues are often complex and the penalties for incorrectly accounting for tax are severe. It is therefore important for Officers to be aware of their role.

28.2 Key Taxation Controls

28.2.1 The key controls on taxation are operated by the Chief Finance Officer and cover the following:

- (a) The Officer responsible for budgets shall be provided with the relevant information and shall be kept up to date on tax issues.
- (b) They shall be instructed on required procedures for record keeping.

- (c) All taxable transactions shall be identified, properly carried out and accounted for within stipulated timescales.
- (d) All records shall be maintained in accordance with instructions.
- (e) All returns shall be made to the appropriate authorities within the stipulated timescales.
- (f) An Officer shall be nominated by the Chief Finance Officer to take responsibility for taxation issues and liaison with agencies such as the Inland Revenue and Customs and Excise.

ANNEX 1 - WRITE OFF PROCEDURES FOR BAD DEBTS

- 1.1 It is essential that the Council bills and collects all income that is due to it and that only when all appropriate and cost effective recovery action has been fruitless should writing off be considered.
- 1.2 Where write off is considered appropriate for debts the following procedure and limits should be followed:
- (a) In all cases the reason must be documented;
 - (b) It must also be made clear what recovery action has been followed and why it is not now considered cost effective to pursue further recovery action;
 - (c) The authorisation limits and approval required for writing off of debt are as set out below:
 - (d) Debts written off will be charged to the originating Service Unit. Only in exceptional cases will the Chief Finance Officer authorise the write off directly against the Council's general bad debt provisions;
 - (e) A report will be made annually to the Executive on bad debt provisions.
- 1.3 Approval of "write off" will be in accordance with the following limits:-
- For debts up to £1,000 Chief Finance Officer
 - For debts between £1,000 and £5,000 Chief Finance Officer in consultation with the Leader of the Council
 - For debts over £5,000 Executive

ANNEX 2 - GUIDANCE ON THE DESTRUCTION OF DOCUMENTS

Record	Minimum Period of Retention
RATES AND COUNCIL TAX	
Valuation Lists	Indefinitely
Valuation Officers Directions	Indefinitely
Primary Council Tax and Rate Records	6 years
Supporting Documents to above	12 months from completion of audit of year's accounts
Bailiffs Completed Receipt Books	6 years
HOUSING RENTAL RECORDS	
Housing Property File/Ledger	3 years
Housing Primary Collection Records	3 years
Other Subsidiary Records	12 months from completion of audit of year's accounts.
GENERAL INCOME	
Periodical Income Register	3 years
Primary Debtors Records	6 years
Supporting Documentation to above	12 months from completion of audit of year's accounts
Income Returns from Departments	6 years
Completed Receipt Books	3 years
Cash Register Rolls	Current plus year of audit
Housing Act Advances	Basic Information to be retained 12 months after final repayment made
Car Loan Advances	
Private Street Works	
Public Health Acts, etc.	
BENEFITS RECORDS	
All Benefits Records (including Council Tax Benefit, Rent Allowances and Rent Rebates)	6 years
EXPENDITURE RECORDS	
Register of Tenders	Indefinitely
Contract Documents (under seal)	12 years
Contract Documents (not under seal)	6 years
Unsuccessful Quotations/Tenders	12 months from completion of audit of year's accounts
Contracts Register	Indefinitely
Contract Final Account Documents	12 years
Requisitions	3 years
Copies of Official Orders	3 years

Record	Minimum Period of Retention
EXPENDITURE RECORDS CONT'D	
Delivery Notes	12 months from completion of audit of year's accounts
Periodical Payments Register (dead cases)	3 years 6 years
Paid Accounts	6 years
Paid Cheques)
Stores Prime Records	12 months from completion of audit of year's accounts
Haulage Prime Records)
Postage Returns)
Inter-Departmental Transfer Accounts	6 years
Final Expenditure Tabulations	6 years
Final Costing and Financial Tabulations	6 years
Rechargeable Work Job Orders	12 months from completion of audit of year's accounts
Petty Cash Vouchers	accounts
Members' Allowances Register	Indefinitely
PAYROLL RECORDS	
Time and Bonus Sheets	24 months from Completion of audit of year's accounts
Car Allowance Claims	
Other Staff Returns	
Payrolls (in final form)	3 years
P.11 and P.35 Returns	3 years
National Insurance Schedules	6 years
OTHER ACCOUNTING RECORDS	
General	
Bank Pass Book Sheets	6 years
Receivership Records	6 years
Cashiers Collection and Deposit Books	12 years
Cashiers Petty Cash Account	6 years
Post Dated Cheques Register	6 years
RD Cheques Register	6 years
Cheques Control Register	6 years
Unpaid Wages Book	6 years
Controlled Stationery Registers	Indefinitely
Investments	
Register of Investments	Indefinitely
Bought and Sales Notes	6 years
Loans	
Register of Bonds/Mortgages	Indefinitely
Copy Bond Certificates	6 years after redemption
Temporary Loans Register	12 months after completion of audit of year's accounts
Insurances	
Register of Insurances	Indefinitely
Insurance Policies	24 months after cessation of policy

ANNEX 3 - SCHEME FOR AMENDMENTS OF THE REVENUE BUDGET

- 1.1 During the course of any financial year, there will be changes in both legislation and the environment within which the Council operates. These changes will impact upon the policy framework set by the Council and have varying impacts upon the Council budget requirement (i.e. Approved Budget), depending on the nature of the change.
- 1.2 The purpose of this scheme is to set out the different situations as to how changes might impact upon the Council and budget requirement and how they will be resolved.
- 1.3 Monetary value has been used within the scheme as the principal measure of impact and magnitude of the change.
- 1.4 All possible action should be taken by Budget Holders to absorb the changes within their budget allocations. Heads of Service have discretion to move budgets around within individual services under their control (subject to no movement (or virement) of monies in and out of the salary budgets). All changes must be recorded on a form specified by the Chief Finance Officer and actioned within the budgets by the Head of Service responsible for Finance.
- 1.5 Where it is not possible to absorb the changes, Budget Holders should seek, in writing, a request for additional budget to be allocated to them, on a form specified by the Chief Finance Officer.
- 1.6 Approval of additional budget allocation will require specific approval(s). These will vary according to both the financial value and nature/impact of the change. The following situations have been included as examples of the approvals required in certain situations. If it is not clear which situation applying in a specific case then the Budget Holder must seek guidance from the Head of Service responsible for Finance.

Situation 1 Short term impact, arising from a demonstrable change in the demand for a service

This reflects a situation where the change creates a temporary increase in the demand of a particular service.

Approval Required From	Chief Finance Officer in Consultation with the Relevant Service Portfolio Holder	Chief Finance Officer
Over £50,000	✓	
Under £50,000		✓

Situation 2 Technical accounting adjustments arising from changes in legislation or regulations

Delegated to the Chief Finance Officer in consultation with the relevant Portfolio Holder.

Situation 3 Long-term service related impacts that have no impact upon the Council overall budget requirement

Delegated to the Chief Executive and Chief Finance Officer in consultation with the Executive.

Situation 4 Changes to the Councils Policy Framework, that have a direct impact upon the Council budget requirement

The following table needs to be considered in the context of Policy Framework and Budget Procedure Rules 5(b):

Approval Required From	Full Council	Full Executive	In Consultation with the Relevant Service Portfolio Holder	Chief Finance Officer	Head of Service
Over £250,000	✓				
Over £100,000 and up to £250,000		✓			
Over £50,000 and up to £100,000			✓	✓	✓
Under £50,000				✓	✓

ANNEX 4 - PROCEDURE FOR REPORTING CONTRACT OVER/UNDERSPENDS

For the purposes of these procedures the following limits shall apply:

Approved Project Budget	Tolerance Limit
Above £500,000	£25,000 or more
£50,001 - £500,000	The greater of £10,000 or 5%
Less than £50,000	£5,000 or more

Formal reporting of overspends, based on the limits above shall be a minimum of:

- (a) Projected overspends within the tolerance limits - shall be reported to the Chief Finance Officer together with proposals for substituting expenditure on other schemes within the same service. If this is not possible the Chief Finance Officer will recommend how the scheme is to be funded and such overspend will be clawed back from the same service's programme in the following year;
- (b) Schemes costing £50,000 or less where the projected overspend exceeds the tolerance limit – the overspend shall be reported to the Chief Finance Officer and the relevant Portfolio Holder. The relevant Head of Service shall agree with the Portfolio Holder funding from within other projects controlled by them. If this is not possible the same rules as (a) shall apply;
- (c) Schemes costing over £50,000 where the projected overspend exceeds the tolerance limits – the overspend shall be reported to the Chief Finance Officer who shall recommend the action to be taken to the Executive.

Where there are savings on schemes these shall be reported to the Chief Finance Officer, who may, for amounts less than £20,000, agree to additional schemes in the same service area.

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APPENDIX A: APPLYING FOR EXEMPTIONS FROM CONTRACT PROCEDURE RULES

General

Introduction

1. These Contract Procedure Rules (CPRs) apply to all procurement on behalf of the Council. They apply equally to the supply of goods, materials, services or other work. In procuring such contracts, the overriding objective is to obtain the best value for the Council. The officer of the Council procuring (Procuring Officer) must consult with the Council's Procurement Officer and Legal Services prior to commencing any procurement exercise.

Application

2. Every contract procured by or for the Council must comply with these CPRs except where exemptions are obtained in advance. The circumstances where an exemption would apply are listed in Appendix A.

Preparing for the Contract

Contract/tender information to be recorded on In-Tend

4. All Tenders and Contracts over £10,000.00 must be fully documented on the In-Tend e-procurement system.
5. All contract files should clearly record the identity of the officer undertaking the procurement (the Procuring Officer).

Responsibilities of the Procuring Officer

6. The Procuring Officer is responsible for ensuring and recording that the relevant authority (in accordance with Table 1) has been obtained and there is sufficient budget in place for the procurement before any steps are undertaken.
7. The Procuring Officer is to ensure that the supplier is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender proposals/method statements as appropriate, during the procurement process.

Invitation to Quote (ITQ) Invitation to Tender (ITT) documents specification and evaluation criteria (Over £10,000.00.).

8. A ITQ or ITT document, specification and evaluation criteria must be prepared by the Procuring Officer, in advance of tenders or quotations being sought. The evaluation criteria will be set to identify the "most economically advantageous tender" (MEAT), based on price and a range of value considerations. Both the specification and the evaluation criteria must be recorded and used to evaluate tenders/quotations received.
9. If a potential supplier requires information not provided in the ITQ/ITT and specification documents, such additional information must be sent to all other bidders through the clarification link within the project summary on the In-Tend portal. It is important that all potential suppliers are treated equally.

Procedural Steps of the Procurement

Estimated value of contracts

10. An estimated value must be identified and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate form of tender or quotation process to follow detailed in Table 1.
11. For contracts which continue over a number of years, the estimated value of the contract shall be taken to be **the annual value multiplied by term of the contract including any extension periods** to assess whether the relevant Public Contracts Regulations apply.
12. For contracts which repeat annually but have no fixed contract term, the annual value should be multiplied by four years.

Division of contracts

13. Large scale works or orders must not be broken down into smaller units for the purpose of creating lower value contracts to avoid Public Contracts Regulations unless, there are sound, operational or management reasons for doing so. Procuring Officers should take into consideration that in some cases splitting the contract into lots may be advantageous to the Council and will make the contract more attractive to suppliers, particularly small and medium sized enterprises (SME's).

It is a legal requirement to consider whether to split a contract into lots. Consideration must be given to this and when lots are not used the Procuring officer must be able to justify why it was not considered appropriate to do so.

Specialist advice

14. All contracts above the relevant thresholds must comply with the relevant Public Contracts Regulations as applicable. Where there is a conflict between these CPRs and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from the Procurement Officer and Legal Services at the start of any procurement project.
15. The procedures outlined by contract value in Table 1 below are the minimum. It is important to remember that procurement rules are designed to achieve best value for the residents of Reigate & Banstead. Consequently, where better value for the Council might be achieved by seeking more tenders or quotations, this should be done. The figures outlined in this document are exclusive of VAT.

Framework agreements

16. Procuring Officers wishing to let a Framework Agreement should follow the steps required in Table 1.
17. Procuring Officers may purchase goods, works or services from existing Framework Agreements if best value can be demonstrated.

Procedural rules for a procurement

18. The Procuring Officer must ensure that all procurement activity complies with the procedures shown in Table 1 below.

Table 1: Procedural steps of a procurement

1. Value over 4 years?	2. Use In-Tend?	3. Procedure?	4. Minimum number of quotes or tenders?	5. Use a SSQ /PAS91?	6. Minimum time for receipt of quotes or tender?	7. Authority to award contract?	8. Contract requirement & signatory?	9. Errors & exemptions agreed by?
Up to £10,000	Optional	Contact Supplier	1 written quote	No	Determined by the Procuring Officer	Service Manager (or delegated officer acting on behalf of Service Manager)	No. Retain quotes and invoices. Notify Procurement Officer of any spend over £5000 for inclusion on the Contracts Register	Service Manager
£10,001 - £25,000	Project Wizard – Quick Quote on In-tend	ITQ	Up to 3 invited suppliers to take part in tender or Open competition (at the discretion of the Procuring Officer)	No	Determined by the Procuring Officer or 14 days for open competition	Service Manager (or delegated officer acting on behalf of Service Manager)	Yes. as agreed by Legal Services To be signed by Service Manager (or delegated officer).	Service Manager
£25,001 - £181,302	Project Wizard - Quick Quote on In-tend Or New Project – Process on In-tend	ITT or Further Competition or Direct Award if using a Framework Agreement	Minimum of 4 invited suppliers to take part in tender or Open competition in the UK or As per Framework requirements	No	21 days or As per Framework requirements	Service Manager	Yes – as agreed by Legal Services. To be signed by Service Manager.	Service Manager in consultation with CFO & Portfolio Holder
£181,302 - £4,551,413 Works only ³	Project Wizard - Quick Quote on In-tend Or Project –New Project on In-tend	ITT or Further Competition or Direct Award if using a Framework Agreement	Minimum of 4 invited suppliers to take part in tender or Open competition in the UK or As per Framework requirements	Use PAS91	21 days or As per Framework requirements	Up to £250,000 – Service Manager in consultation with relevant Portfolio Holder Above £250,000 – Executive	Yes – as agreed by Legal Services. Up to £250,000 to be signed by Service Manager. Above £250,000 to be signed by Chief Executive and Legal Services Officer.	Up to £250,000 - Portfolio Holder, CFO & Service Manager Over £250,000 - Executive Officer.
EU Threshold Tenders								
£181,302 and above Supplies and Services ²	Yes New Project	OJEU with ITT Or Further Competition or Direct Award if using a Framework Agreement	Open procedure ¹ – unlimited Restricted procedure ¹ – top 5 from SSQ shortlist (Part 3) Other procedures ¹ – appropriate numbers as agreed with Procurement Officer and Legal Services As per Framework requirements	Yes standard SSQ available online on In-Tend	Open procedure – 35 days (5 day reduction for electronic tender bids) All other procedures: SSQ - 30 days, plus subsequent ITT - 30 days Or As per Framework requirements	Up to £250,000 – Service Manager in consultation with relevant Portfolio Holder Above £250,000 – Executive	Yes – as agreed by Legal Services. Up to £250,000 to be signed by Service Manager. Above £250,000 to be signed by Chief Executive Officer and Legal Services Officer.	Up to £250,000 - Portfolio Holder, CFO & Service Manager Over £250,000 - Executive
£4,551,413 and above Works only ³	Yes New Project	OJEU level ITT Or Further Competition or Direct Award if using a Framework Agreement	Open procedure ¹ – unlimited Restricted procedure ¹ – top 5 from PAS 91 shortlist Other procedures ¹ – appropriate numbers as agreed with Procurement Officer and Legal Services. As per Framework requirements	Yes standard SSQ available online on In-Tend or PAS 91	Open procedure – 35 days (5 day reduction for electronic tender bids) All other procedures: SSQ - 30 days, plus subsequent ITT - 30 days Or As per Framework requirements	Executive	Yes – as agreed by Legal Services. To be signed by Chief Executive Officer and Legal Services Officer.	Executive

¹ OJEU - For EU procurements different procedures can apply (i.e. open, restricted, competitive dialogue, competitive procedure with negotiation or innovation partnerships). Contact the Procurement Officer or Legal Services to agree the most appropriate method.

² Consumable goods and services.

³ Building or civil engineering projects

Abbreviations

OJEU Official Journal of the European Union

CFO Chief Finance Officer

HoS Head of Service

SSQ Standard Selection Questionnaire

ITQ Invitation to Quote

ITT invitation to Tender

PAS91 Construction pre qualification questionnaires (Publicly Available Specification (PAS))

Procurement Regulations Public Contract Regulations and the Concession Contracts Regulations

Tender and quotation handling procedure

Standard Selection Questionnaire (SSQ), Electronic Single Procurement Document (ESPD) or Publicly Available Specification (PAS 91)

19. The SSQ, ESPD and PAS 91 asks potential supplier to self declare their status against the exclusion grounds and selection questions. All self-assessment of compliance must be accepted and evidence is only required of the winning bidder.

The SSQ consists of 3 parts

Part 1

The first part covers basic information about the supplier such as the contact details, trade memberships, details of parent companies, group bidding and so on.

Part 2

The second part covers self declaration regarding whether or not any of the exclusion grounds apply.

(It is mandatory for a bidder to complete Part 1 and Part 2 of the SSQ, or the ESPD template, for all Procurements above EU thresholds)

Part 3

The final part covers a self declaration regarding whether or not the supplier meets the selection criteria in respect of their financial standing and technical capabilities.

(The questions included in Part 3 of the SSQ should be adopted across all relevant procurement procedures over the threshold. You do not have to use all the questions - only those relevant and proportionate to the contract).

Part 1, Part 2 and Part 3 of the SSQ have been created in the form of “questionnaires” on the In-tend system and are available for use on all Tenders above EU threshold.

20. The European Single Procurement Document (ESPD) is a standard form for use by all EU member states, allowing bidders to self-declare that they meet selection and exclusion criteria, without the need to provide evidence unless they are the winning bidder.
21. PAS 91 provides a set of questions to be asked by Procuring Officers of potential suppliers to enable prequalification for construction projects.
22. For works contracts (including the procurement of goods and services in relation to the works) valued between the supplies and services EU threshold and the works EU threshold you may use a two stage tender process and make use of the PAS91 PQQ to shortlist potential bidders.

Tender opening

23. All tenders for contracts must be returned through the In-Tend system and must only be opened via the appropriate tender opening process.
24. The Procuring Officer may wish to invite the Service Manager and Portfolio holder to observe the opening ceremony if the tender is valued at more than the EU threshold.

Clarifications of tenders

25. Tender or bid clarifications may become necessary during the evaluation of tenders e.g. if a bid appears especially low, or especially high on price or where there are aspects of the bids that are unclear or contain minor errors.
26. Clarification may also be sought from tenderers on matters of quality or performance or particular terms and conditions of contracts.
27. The Procuring Officer should give all tenderers who are able to meet the requirements of the tender the same opportunity to engage in tender/bid clarification. All communication with individual suppliers must be via the correspondence link on the In-Tend portal to maintain a proper audit trail.

Post tender negotiations

28. The Procuring Officer should take advice from Legal Services and no negotiations may be entered into with any suppliers submitting tenders or quotations unless the Chief Finance Officer considers it necessary to obtain best value for the Council, to accommodate unforeseen changes in the specification, or for any other reason the Chief Finance Officer considers is appropriate.
29. In this event, details of the negotiations must be recorded in writing and must be conducted either solely with the supplier who has won the tender, or with all suppliers who have submitted tenders. The reasons for entering into post tender negotiations must be recorded.
30. For procurements which fall within the remit of the Public Contracts Regulations, no negotiations shall be allowed unless the procurement adopts one of the procedures under the relevant Public Contracts Regulations which allow for negotiation.

Content of Contracts

Terms and conditions of contracts

31. All must be in writing, in a form approved by Legal Services.
32. On some occasions the Council may be obliged to contract on the standard terms and conditions of another supplier on low value purchases. In these cases:

- (a) Complete the invitation to quote template (ITQ) and produce a specification of the services required and send to the Procurement Officer.
- (b) The Procurement Officer will approach Legal Services to agree on the Terms and Conditions of contract.
- (c) Legal Services will advise if the suppliers Terms and Conditions can be used in this instance.

Public liability insurance and professional indemnity insurance

- 33. The Procuring Officer must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the supplier to carry Public Liability insurance to a minimum of £5m unless otherwise agreed by the Chief Finance Officer.
- 34. In the case of a contract for professional services, the contract must require the supplier to carry Professional Indemnity insurance to a minimum of £5m unless otherwise agreed by the Chief Finance Officer.
- 35. For all contracts there must be a requirement for the supplier to carry Employers Liability insurance to a minimum of £5m.
- 36. These insurance requirements are summarised in the table below:

Table 2: Insurance Requirements Summary

Type of insurance	Minimum Value
Public Liability	£5 million
Professional Indemnity	£5 million
Employers Liability	£5 million

Assignment of contracts

- 37. Assignment or under-letting of contracts is not to be permitted except with the prior consent of the Chief Finance Officer, and then only where the Chief Finance Officer is satisfied that an effective vetting procedure for assignees or subcontractors has been implemented.

Liquidated damages

- 38. The Procuring Officer must consider whether the contract should provide for the supplier to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the Head of Legal Services, the contract must require the supplier to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

Corruption, bankruptcy and cancellation

39. Every contract must state that the Council may cancel the contract and recover any resulting losses if the supplier, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010.
40. Every contract must state that if the supplier enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

Performance bonds

41. Where a contract is estimated to be £75,000 or over, the relevant Procuring Officer must discuss with the Service Manager before the procurement, whether the Council should require security for its performance. It must be recorded that either no such security is considered necessary, or, specify in the conditions of tender the nature and amount of security to be given.
42. In the latter case the relevant Service Manager must ensure that the required bond or other security is in place at the time the contract is let.

Nominating subcontractors and suppliers

43. Where it is decided to be in the Council's interest that a subcontractor or supplier should be nominated to a main supplier, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 above.
44. The invitation to tender as subcontractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main supplier, including an obligation to indemnify the main supplier in respect of matters included in the sub contract.

Consultants

45. Any consultant employed by the Council to let or manage contracts must comply with these CPRs. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

Managing the contract

Contract management

46. For all contracts in excess of £25,000 a Contract Manager should be appointed. Where reasonably practicable, the Contract Manager should be part of the initial procurement process and an officer of Reigate & Banstead Borough Council. The Procuring Officer must notify the name of the Contract Manager to the supplier prior to letting of the contract.

47. The role of the Contract Manager will be to manage the contract throughout its duration, as well as enforce duties owed to the Council under contract and to be responsible on behalf of the Council for those duties owed to the contractor.
48. The responsibilities of the Contract Manager will include:
 - (a) Monitoring performance of the supplier against the agreed level of service
 - (b) Monitoring the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate
 - (c) Ensuring the supplier's compliance with all appropriate health and safety obligations
 - (d) Facilitating the resolution of issues between the supplier and users of the service
 - (e) Ensuring prompt payment of invoices and compliance with all financial regulations and CPRs during the lifetime of the contract
 - (f) Ensuring that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time.

Variations

49. Where the relevant Contract Manager considers an existing contract needs to be varied (i.e. practical changes which do not alter the essential nature of the original contract as opposed to additional works or supplies not originally envisaged) he or she may approve these subject to the proposed variation being contained within the total budget approved for the contract. The reasons for and details of any such variation must be recorded and stored with the contract.
50. For contracts which fall within the remit of the Public Contracts Regulations, no variations are permitted unless such variation is within the scope of the original contract and in accordance with the provisions of the Public Contracts Regulations.
51. Where the approved budget would be exceeded because of the variation, approval for any such variation must be sought in accordance with column 9 of Table 1.

Contracts register

52. All contracts in excess of £5,000 will be recorded using the Reigate and Banstead contracts template within the In-Tend system and this will effectively be the Council's contract register. Where possible, all records of activity up to the letting of the contract will be maintained in the In-Tend system.
53. The Agresso financial system will show the state of account of each contract between the Council and supplier, together with any other payments and related professional fees.

Retention of records

54. Store copies of all contracts for the duration of the contract and a further 6 years.

55. Contracts signed under Seal are required to be stored for the length of the contract and a further 12 years.
56. We are required to grant access to these contracts, but access to specific documents or items of information may be denied under EU or national rules on access to documents and data protection.

Conflict of interest

57. All purchasing decisions should be free of any conflict of interest. A conflict of interest may arise where someone involved in the purchasing decision has a close financial or relational connection with a potential supplier (or other party involved) and this could influence the outcome of the buying process.
58. The fact that a supplier may be subject to a conflict of interest does not mean that the supplier should not be considered, so long as the conflict is declared, recorded, its potential impact assessed, and the risks appropriately managed.

Appendix A: Applying for Exemptions from Contract Procedure Rules

Please note

- An exemption can only be granted in exceptional circumstances.
- No Exemption can be granted where the request would result in a breach of EU Procurement Law or Public Contract Regulations.
- All Exemptions will only be granted on a temporary basis.
- Lack of sufficient planning and / or internal process delays does not constitute a reason for an Exemption

Application Procedure

Any exemptions from CPRs must be obtained before the procurement process commences. To obtain an exemption:

- contact the Procurement Officer for a copy of the CPR Exemption Form
- complete the Exemption Form and send to the Authorised Officer (as shown in column 9 of Table 1) for approval
- Once approval has been granted the signed document should be returned to the Procurement officer.
- An ITQ document must be completed and loaded on to In-tend and the named supplier on the Exemption must be invited to submit their quotation through the portal

Examples

CPRs may not apply in the following situations:

1. a procurement by the Council acting solely as the agent of another body in compliance with the contract standing orders of that other body and where the Council either does not incur expenditure, or is to be fully reimbursed by another party.
2. Contracts of employment.
3. Orders placed against a Call-off Contract itself awarded in accordance with these CPRs.
4. Where the Council is part of a public sector consortium contracting with a supplier(s) for the provision of supplies, services or works, where the Council is not the lead authority and the contract has been let in accordance with the Contract Standing Orders of the lead authority.
5. Purchase or sale by auction.
6. Where “spot-purchases” demonstrably provide better value for money than longer term contract arrangements.
7. Where only one supplier is able to carry out the works or services and where no satisfactory alternative is available because of:
 - technical reasons, artistic reasons or because of exclusive rights

- Branded items which are sold at a single fixed price.
8. Orders required as an addition to an existing or previous contract and it is necessary to use the same supplier for the reasons stated in 10.
 9. An extension to an existing contract which is within the terms of the contract provided that the decision is taken at the level (Service Manager/Portfolio Holder/Executive) at which the original decision to award the contracts was required by these CPRs.
 10. An extension for additional work to an existing contract where the goods/services required is outside the scope of the original contract but the circumstances are such that it would be inappropriate to offer the additional work to competition.
 11. An emergency where immediate action is necessary to:
 - prevent significant loss to the Council
 - prevent danger, injury or hardship
 - Comply with public health requirements.

In such circumstances, the best practicable means of obtaining value for money should be used. If the contract exceeds £25,000 in value, the Service Manager should consult the relevant Portfolio Holder and the Chief Finance Officer.
 12. Purchasing services on behalf of the Council from another Local Authority Trading Company.
 13. Any other exemptions specifically authorised by the Executive.

Procedure Rule 9 - Officer Employment

9.1 General

- 9.1.1 Each member of the Management Team is responsible to the Council for the management, training, welfare, health and safety and discipline of the employees under their direction.
- 9.1.2 He/she shall act in accordance with the Council's HR Policies and Procedures.
- 9.1.3 He/she shall liaise closely with the Head of Service with responsibility for HR over the interpretation and application of these matters.
- 9.1.4 The Head of Service with responsibility for HR shall be responsible for monitoring that the Council's HR Policies and Procedures are being implemented and Officers are acting within their terms.
- 9.1.5 The Head of Service with responsibility for HR shall also keep the Council informed of all significant developments in the HR field.
- 9.1.6 Each member of the Management Team shall ensure that the Head of Service with responsibility for HR is supplied with all the information necessary for corporate monitoring systems on human resource management and payroll.
- 9.1.7 Terms and conditions of employment are set out in individual contracts of employment and the Council's HR Policies and Procedures.

9.2 Recruitment and appointment

Declarations

- 9.2.1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, 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.
- 9.2.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the Chief Executive or an Officer nominated by him/her.

Seeking Support for Appointment

- 9.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.
- 9.2.4 The content of Procedure Rule 9.2.3 will be included in any recruitment information.
- 9.2.5 No Councillor will seek support for any person for any appointment with the Council.

9.3 Recruitment of Head of Paid Service and Statutory Chief Officers

Where the Council proposes to appoint the Head of Paid Service or a Statutory Chief Officer the Council will:

- 9.3.1 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
- 9.3.2 make arrangements for a copy of the statement of qualifications or duties to be sought in the person to be appointed to be sent to any person on request.

9.4 Appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officer)

- 9.4.1 The full Council will approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with Annex 1 to Procedure Rule 9.
- 9.4.2 The full Council may only make or approve these appointments where no well-founded objection has been made in accordance with Procedure Rule 9.8.

9.5 Other appointments

- 9.5.1 Appointment of Officers other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

9.6 Disciplinary action/dismissal against Statutory Chief Officers

- 9.6.1 No disciplinary action (except suspension for the purpose of investigating the alleged misconduct occasioning the action) may be taken by, or on behalf of, the Council against the Head of Paid Service, Monitoring Officer or Chief Finance Officer other than in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015.
- 9.6.2 Any suspension of Officers for the purpose of investigating an alleged misconduct occasioning the action must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 9.6.3 In the case of a proposed disciplinary action against a statutory officer the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 9.6.4 An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:
 - An independent person who has been appointed by the council and who is a local government elector,
 - Any other independent person who has been appointed by the council, and
 - An independent person who has been appointed to another council or councils.

- 9.6.5 Any decision in relation to disciplinary action against a statutory officer will be taken transparently by full council, who must consider any advice, views or recommendations from the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

9.7 Disciplinary action/dismissal against other Officers

- 9.7.1 Dismissal or disciplinary action against any Officer other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

9.8 Notification of proposed appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officers)

- 9.8.1 The Proper Officer will notify every Member of the Executive of:

- (i) the name of the person concerned;
- (ii) any other particulars relevant to the appointment; and
- (iii) the date by which objections must be made.

- 9.8.2 An Executive Member wishing to make an objection must notify the Leader in sufficient time to enable the Leader to lodge an objection in accordance with Procedure Rule 9.8.3 below.

- 9.8.3 Objections must be material and well founded and must be made by the Leader on behalf of the Executive to the Proper Officer in writing within 5 working days unless specifically extended.

9.9 Conduct of employees

- 9.9.1 Employees should adopt high standards of personal conduct at work and should do nothing which would bring the Council into criticism or disrepute.
- 9.9.2 They must follow the Council's codes of conduct and regulations stated in the Constitution and elsewhere.
- 9.9.3 Only the Communications Unit, the Chief Executive, and Management Team, in consultation with the Communications Unit, may talk to the press, or otherwise make public statements on behalf of their Services unless otherwise designated under the Council's Emergency Plan.

9.10 Conditions of employment

- 9.10.1 All employees of the Council must be engaged on Contracts of Employment agreed by the Head of Service with responsibility for HR and in accordance with the Council's approved Terms and Conditions of Employment.
- 9.10.2 The Council will follow Advisory, Conciliation and Arbitration Service (ACAS) guidance for any changes to terms and conditions of employment.

9.11 HR Plans

- 9.11.1 The Head of Service considering variations to the approved Human Resource Plans or structure of their operating unit(s) shall, at the earliest opportunity, discuss the proposals with the Head of Service with responsibility for HR, who will advise on the procedure to be followed.
- 9.11.2 The Head of Service with responsibility for HR shall be notified immediately of all changes to staffing in order that the necessary processes and documentation may be undertaken.

9.12 Training and development

- 9.12.1 The Head of Service shall be responsible for the training and development of employees under his/her direction in order to meet the needs of the Council and those of the employee, within the resources made available for the purpose. He/she shall liaise closely with HR in the execution of this responsibility.
- 9.12.2 The Chief Executive or Head of Paid Service shall be responsible for monitoring the business benefit provided through the training and learning opportunities afforded for all employees and that employees have the skill necessary to deliver the Council's services.

9.13 Discipline, performance and grievances

- 9.13.1 Disciplinary action will be taken in line with Annex 1 to Procedure Rule 9.
- 9.13.2 Performance related matters will be dealt with in accordance with HR Policies and Procedures.
- 9.13.3 Grievance matters will be dealt with in accordance with the Council's grievance and appeal procedures.
- 9.13.4 The Head of Service with responsibility for HR shall be informed of all grievances formally raised by employees and of all cases where any Officer is planning to take disciplinary or capability action.
- 9.13.5 The Head of Paid Service, Monitoring Officer and Chief Finance Officer in addition to the Head of Service with responsibility for HR will be informed where disciplinary action is planned in cases of misappropriation by an employee of funds and/or property belonging to the Council or any other form of gross misconduct.

9.14 Health and Safety Policy

- 9.14.1 All employees are required to follow the principles of Health and Safety as set out in the Council's Policies and Procedures which forms part of the Council's Conditions of Employment.
- 9.14.2 Members of the Management Team are responsible for the maintenance of the policy within their service areas and shall liaise closely with the Head of Service with responsibility for Health & Safety.

9.15 Equal opportunities and dignity at work

- 9.15.1 Reigate and Banstead Borough Council is committed to providing a working environment in which any employee, volunteer or client/customer:
- (i) is treated with dignity, respect, courtesy and fairness and is free from harassment, bullying or victimisation.
 - (ii) does not experience any form of discrimination on any basis including his or her age, disability, gender reassignment & sexual orientation, marriage & civil partnerships, pregnancy & maternity, race, religion & belief, sex or responsibilities for dependants.
- 9.15.2 The Council is also committed to ensuring that its services are available to all members of the Community.
- 9.15.3 Members of the Management Team are responsible for ensuring that the policy is implemented and that all employees observe their responsibilities towards each other and service delivery.

ANNEX 1 - OFFICER EMPLOYMENT RULES RESPONSIBILITY FOR FUNCTIONS

OFFICER	RECRUITMENT	DESIGNATION (where already an employee of the Council)	DISCIPLINARY / DISMISSAL	APPEAL AGAINST DISCIPLINARY / DISMISSAL
Head of Paid Service Chief Finance Officer Monitoring Officer Chief Executive (if not also Head of Paid Service)	COUNCIL (on recommendation of Employment Committee)	COUNCIL	COUNCIL (who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation and representations from the officer concerned)	COUNCIL
Deputy Chief Executive	Employment Committee (taking into account the advice of the Head of Paid Service)	N/A	Employment Committee	COUNCIL
Other Employees*	Head of Paid Service or Officer(s) nominated by him/her	N/A	Head of Paid Service or Officer(s) nominated by him/her	Head of Paid Service or Officer(s) nominated by him/her <i>(must be different to the person undertaking disciplinary / dismissal process)</i>

* Where appropriate, the relevant Member of the Executive may be informally consulted about the recruitment of any Management Team Manager.

Part 5

Codes and Protocols



REIGATE AND BANSTEAD BOROUGH COUNCIL

MEMBER CODE OF CONDUCT

(Adopted by the Council on 21st June 2012 with effect from 1st July 2012
in accordance with Chapter 7, Regulation 28 of the Localism Act 2011)

This Code of Conduct applies to all Members and co-opted members of the Authority.

It is based on and consistent with the principles set out below and should be applied alongside the requirements of the Council's constitution and specifically the protocols on Member/Officer relations and development management.

In addition to these requirements, Members must ensure that they are aware of and comply with all legal obligations that apply to them as a Member of the Authority and act within the law and such relevant Regulations as shall apply at any time.

Part 1

Principles

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Part 2

General Obligations

(1) **You must not:**

- (a) do anything which may cause your Authority to breach any of the equality enactments as defined in the Equality Act 2010;
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be involved with a complaint under the Code;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority;
- (e) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority, which includes the written advice of the Monitoring Officer;
- (g) prevent another person from gaining access to information to which that person is entitled by law;
- (h) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute;
- (i) use or attempt to use your position as a Member improperly to confer on or secure for yourself any other person, an advantage or disadvantage.

(2) **You must:**

- (a) treat others with respect;
- (b) ensure that you comply with the requirements which the Bribery Act 2010 places on Members and on the Council as a whole;
- (c) when using or authorising the use by others of the resources of your Authority:
 - (a) act in accordance with your Authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes), nor authorise the use by others of those resources or any other resources, the use of which is controlled or influenced by your Authority;

- (d) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, or any legislation amending or replacing it, and any guidance issued by your Authority;
- (e) When reaching decisions on any matter have regard to any relevant advice provided to you by:
 - (a) the Authority's chief finance officer; or
 - (b) the Authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties ; and

do so on the merits of the circumstances and in the public interest, and give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

Part 3

Interests

Registration and Disclosure of Pecuniary Interests

- (1) A Member must notify the Monitoring Officer of any "disclosable pecuniary interests" before the end of 28 days beginning with the day the person became a Member and thereafter as they occur;
- (2) Where a person becomes a Member as a result of re-election or re-appointment, paragraph (1) applies only as regards to disclosable pecuniary interests not entered in the Authority's register;
- (3) Interests become disclosable pecuniary interests when they relate to the Member or a relevant person – see interpretation under Part 6;

Disclosable Pecuniary Interests

- (4) Disclosable pecuniary interests are defined as:

<i>Subject</i>	<i>Prescribed description</i>
	See Part 6 of this code for interpretations
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge):

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either:

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Other Interests

(5) Other (non-pecuniary) interests are not formally defined either in legislation or for the purposes of this Code. It is therefore the responsibility of individual Members to determine whether they have a non-pecuniary interest. In doing so, they should consider whether an objective third party would reasonably consider that they have an interest, and they may also seek the advice of the Monitoring Officer. Government guidance indicates that they would expect membership of bodies such as Trade Unions to be declared in this section.

Disclosure and Participation at Meetings or Involvement as a Single Member

(6) The following provisions apply if a Member is present at a meeting of the Authority and is aware that he/she has a disclosable pecuniary interest and/or a non-pecuniary interest in any matter to be considered, or being considered, at the meeting.

(7) If a Member has a disclosable pecuniary interest in a matter being considered at a meeting of the Authority they must:

- Disclose that interest (existence and nature – unless it is a sensitive interest – see paragraphs 12 to 14);
 - Not participate in any discussion or vote; and
 - Withdraw from the meeting whilst that business is transacted.
- (8) If a Member has a non-pecuniary interest in a matter being considered at a meeting of the Authority they must:
- Disclose that interest (existence and nature - unless it is a sensitive interest – see paragraphs 12 and 14);and
- if it could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest:
- Not participate in any discussion or vote; and
 - Withdraw from the meeting whilst that business is transacted.
- (9) Unless the interest is already registered or subject of a pending notification, disclosable pecuniary interests disclosed at a meeting in accordance with (7) above must subsequently and within 28 days be notified to the Monitoring Officer for inclusion in the Authority's register;
- (10) In relation to Executive functions discharged by a Member of the Authority acting alone, where that Member has a disclosable pecuniary interest and/or a non-pecuniary interest (which could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest) in any matter to be dealt with and the Member is aware that this condition is met:
- (a) if the interest is not entered in the Authority's register and is not subject of a pending notification, the Member must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when the Member becomes aware that he/she has a disclosable pecuniary interest and/or the non-pecuniary interest; and
 - (b) the Member must not take any steps, or any further steps in relation to the matter, except for the purposes of enabling the matter to be dealt with otherwise than by the Member.
- (11) Where a Member gives a notification of a disclosable pecuniary interest under paragraphs 7 and 10 (a) the Monitoring Officer must arrange for the interest notified to be entered in the Authority's register.

Sensitive Interests

- (12) Members may have a pecuniary or non-pecuniary interest which if disclosed and registered could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
- (13) In these circumstances, if the pecuniary interest is entered in the Authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the Member has an interest the details of which are withheld).
- (14) If paragraph (12 or 13) applies in relation to the interest, that provision is to be read as requiring the Member to disclose not the interest but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

Part 4

Offences

- (1) A Member commits an offence if, without reasonable excuse, the Member fails to comply with an obligation imposed under Part 3 paragraphs (6), (7) and 8 (a) and participates in any discussion or vote in contravention of Part 3 paragraph (6).
- (2) A Member also commits an offence if he/she discloses, under the Code, information that is false or misleading and the Member knows that the information is false or misleading.
- (3) A Member who is guilty of an offence under the Code is liable on summary conviction to a fine not exceeding level 5 on the standard scale. A court dealing with a person for an offence may in addition and by Order disqualify the person for a period not exceeding 5 years from being a Member.
- (4) A prosecution for an offence may only be instituted by or on behalf of the Director of Public Prosecutions. Proceedings may be within a period of 12 months beginning with the date on which evidence sufficient to warrant proceedings is known to the Prosecutor.
- (5) No proceedings may be brought more than 3 years after commission of the offence or in the case of a continuous contravention, after the last date on which the offence was committed.

Part 5

Dispensations

- (1) The Authority, on written request to the Monitoring Officer, may grant a dispensation relieving a Member from the restrictions in Part 3 paragraph (7 and 8) of the Code.
- (2) A dispensation may be granted where the Authority considers that:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of business;
 - (b) without the dispensation the representation of the different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) granting of the dispensation is in the interests of persons living in the Authority's area;
 - (d) without granting a dispensation each Member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect and the period may not exceed 4 years.

Part 6

Interpretation

In this Code:

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

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“co-opted member” is, as defined in the Localism Act section 27 (4) “a person who is not a member of the authority but who:

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“meeting” means any meeting of:

- (a) the Authority;
- (b) the Executive of the Authority;
- (c) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees;
- (d) informal meetings with other members and/or officers relating to the discharge of the Authority’s functions.

“member” includes a co-opted member;

“relevant authority” means the Council;

“relevant period” means the period of 12 months ending with the day on which you gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means a Member of the Authority; and a spouse or civil partner of a Member; or a person with whom a Member is living as a husband, wife or civil partner;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Protocol 1 - Member/Officer Relations

1.1 Introduction

- 1.1.1 This Protocol is intended to supplement the Members' Code of Conduct, the Council's Constitution and all other statutory requirements, and applies to all Members, including co-opted and independent Members, and Officers.
- 1.1.1 The effective implementation of the Protocol by Members will be supervised and monitored by the Standards Committee (and where appropriate by the Monitoring Officer on its behalf).
- 1.1.2 This Protocol has been adopted by the Council and will be the subject of review, from time to time, by the Standards Committee. The Protocol forms part of the Council's Constitution.
- 1.1.3 Guidance and training will be given to Members and Officers on the scope of, and compliance with, this Protocol through the Standards Committee.

1.2 General guidance

- 1.2.1 This part of the Protocol aims to provide guidance on the relations between Members and Officers to ensure the smooth running of the Council.
- 1.2.2 The Council's expectation is that Members, and the Management Team will lead by example and that they and also staff at all levels will comply with the Council's Constitution, Codes, Protocols, Policies, Procedure Rules and Departmental Procedures.
- 1.2.3 Mutual respect, trust and honesty between Members and Officers is essential to good local government and, although intrinsically linked to one another, the responsibilities of Members and Officers are distinct.
- 1.2.4 Members are responsible to the electorate as a whole and to their Ward.
- 1.2.5 Officers are responsible to the Council under contracts of employment. Their job is to advise Members and the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Executive, Committees and Sub-Committees.

1.3 General responsibilities

All Councillors

- 1.3.1 The general responsibilities of Councillors are set out in the Council's Constitution and the Members Code of Conduct.
- 1.3.2 Councillors have the same rights and obligations in their relationship with Officers and should be treated equally. This principle is particularly important in the context of scrutiny. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ (because of the frequency and nature of contact) from those with other groups of members. These specific issues are addressed below.

Councillors with Special Responsibilities

- 1.3.3 Some Councillors have special responsibilities on behalf of the Council, for example the Mayor, Leader of the Council, Executive Members and Committee Chairmen. Such Councillors are likely to receive particular support from the Council and have greater access to officers but they should not seek to use their office to by-pass recognised systems of working.
- 1.3.4 Councillors must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the Authority.
- 1.3.5 Similarly, Council Officers should not use their working relationships with Councillors to their own personal advantage.

Political guidance and Officer recommendations

- 1.3.6 The Management Team are likely to develop a close working relationship with their relevant Portfolio Holder and Chairman. They will need to meet regularly to discuss current issues, policy and budget matters, service delivery and reports to be prepared. Officers will also often require political guidance in framing proposals. However, when Officers write reports for Member decision they have a duty to give advice on the basis of their professional and management expertise.
- 1.3.7 The integrity and political neutrality of Officers must be respected and Councillors should not seek to influence or require Officers to present reports in a biased way, withhold information or make recommendations that they cannot support.

General principles

- 1.3.8 Officers are specifically employed by the Council to:
- (i) Deliver services to the community according to the policies, service standards and values set by the Council
 - (ii) Develop and implement policy proposals which accord with the overall framework set by the Council
 - (iii) Give professional and managerial advice to the Council, the Executive, Committees and Councillors and advice on process and procedure to the public in respect of Council services
 - (iv) Manage the organisation and ensure it acts in a lawful way.
- 1.3.9 Officers' contracts of employment set out requirements on conduct, compliance with Council procedures, policies and codes etc and disciplinary procedures are in place. These arrangements form part of the Council's ethical framework.
- 1.3.10 Members are responsible for the Council's strategic direction, determination of policy and budget setting; officers are responsible and accountable for implementing policy and delivering services.

- 1.3.11 Given these roles, officers are employed to work within and pursue Council policies and priorities unaffected by personal inclinations.
- 1.3.12 Officers are accountable to their Managers and ultimately their Head of Paid Service. They work to the instructions of their Manager, and not to individual Members of the Council – whatever office a Member might hold. Members should not interfere with matters that are properly the responsibility of officers and individual managers.
- 1.3.13 All Officers (except political assistants if such appointments are made) are required to observe political neutrality in carrying out their duties.

1.4 What Members and Officers can expect from each other

For Members and Officers to:

- 1.4.1 Provide services which offer best value.
- 1.4.2 Behave in a manner which accords with the standards set by the Council
- 1.4.3 Be helpful, respectful and courteous.
- 1.4.4 Be open and honest with each other. To tell the whole story, giving any bad news as well as the good.
- 1.4.5 Act lawfully.
- 1.4.6 Maintain confidentiality where it is proper for them to do so.
- 1.4.7 Refrain from canvassing or otherwise seeking to gain favour from each other for personal or career advantage.
- 1.4.8 Have regard to social hours and generally to be sensible about contact at potentially inconvenient times, unless in an emergency or otherwise agreed.

1.5 What Members can expect in addition from Officers

For Officers to:

- 1.5.1 Do their job effectively, efficiently and fairly.
- 1.5.2 Assist Members in carrying out their role as Members of the Council in connection with Council business (they cannot, however, assist with party political or campaigning activity, or with private business).
- 1.5.3 Work with all Members equally and fairly.
- 1.5.4 Give advice or recommendations based on reasoned options.
- 1.5.5 Ensure that Members have the information necessary to make informed judgements.

1.6 What Officers can expect in addition from Members

For Members to:

- 1.6.1 Accept that officers are accountable to their Manager.

- 1.6.2 Not become involved in the day to day management of individual projects, whilst acknowledging that Members will provide policy guidance and direction.
- 1.6.3 Accept that officers act independently of political bias.
- 1.6.4 Fully consider advice and recommendations for the purpose of making informed judgements.
- 1.6.5 Not coerce officers into breaching Council policy or procedures, or to act unlawfully, or outside the terms of their job.
- 1.6.6 Not exert influence or pressure, nor request unauthorised access to resources or information held by the Council.

1.7 Limitations on behaviour

- 1.7.1 Members must have regard to any advice, guidance and training on their roles and responsibilities from the Standards Committee and the Monitoring Officer.

Conduct

- 1.7.2 Members must at all times comply with their Code of Conduct, the Constitution and its supporting Codes of conduct and protocols.

Officer appointments and performance

Concerning involvement in the appointment and employment of Officers (where such involvement is permitted under the Constitution) Members should not:

- 1.7.3 Let their political or personal preferences influence their judgement and or participate where they may have a personal interest.
- 1.7.4 Canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs.
- 1.7.5 Provide references in support of applications for employment by the Council.
- 1.7.6 Make any vexatious or malicious complaints against Officers.
- 1.7.7 Raise any comments on an Officer's performance except with the relevant Manager or Chief Executive.

Access to information

With regard to access to and use of information Members should:

- 1.7.8 Only seek information from Officers that relates to the business of the Council and enables Members to properly perform their functions as Members. Requests for such information will be made at Manager level or via Democratic Services, except in the case of routine information.
- 1.7.9 Establish in writing a proper and specific reason for requesting to inspect confidential information and in the case of uncertainty refer the issue to the Chief Executive.
- 1.7.10 Only use the information for the purpose it was provided.

- 1.7.11 Have regard to the applicable recommended code of practice for local authority publicity in making any decision on publicity (especially in the period between the issue of a Notice of Election and the holding of an election).

1.8 Personal and social friendships and relationships

- 1.8.1 It is important that Councillor and officer relationships are correct and business-like. It is, however, accepted that constructive working relations, on occasions, require some informality. It is equally recognised that excessive personal familiarity, in the office or at meetings, between individual Members and officers can damage working relationships and prove embarrassing to colleagues on both sides. In particular, it could bring into question an officer's ability to deal impartially with other Members, and vice-versa.
- 1.8.2 There may be occasions when Councillors and Officers come into contact outside of Council business and, in such circumstances, professional and personal matters must be kept separate.
- 1.8.3 Under the Code of Conduct, Councillors are required to declare, when relevant in considering business at meetings, any private relationship with an Officer that might be regarded as influencing their actions.
- 1.8.4 Officers similarly should inform their manager of such relationships with a Councillor.
- 1.8.5 Where Members and Officers are friends or have a relationship they should take special care not to seek, or be seen, to influence their positions through their friend or partner.

1.9 Conduct at meetings and events

- 1.9.1 Members and Officers should observe the degree of formality in behaviour that is appropriate to the event. At all times respect to one another should be shown.
- 1.9.2 Although Councillors are entitled to question Officers at meetings and require them to justify their actions, any challenge should be impartial, constructive and well founded and delivered in appropriate and reasoned words, language and tone. Whilst robust questioning is permissible, personal attacks are totally unacceptable.
- 1.9.3 Officers should have the opportunity to reply and explain in an impartial constructive manner.
- 1.9.4 A formal approach should generally be applied in open meetings and the use of first name terms should be avoided. The important issue is that the audience should be able to identify who is speaking or being addressed.
- 1.9.5 Such formality between Members and Officers is not usually necessary at social events. However, any event attended as a result of the Member or officer's role with the Council should have regard to the fact that close personal familiarity might embarrass others or damage external relationships, and therefore should be avoided. Where there is doubt, a more formal approach is potentially less damaging than a casual one.

1.10 Correspondence

- 1.10.1 Correspondence between a Member, or group of Members, and officers (and vice-versa) will clearly indicate the names of any others who have been sent the same correspondence, including those copied in for their information. This is in the spirit of openness and to avoid any surprises or later allegations around “blind copies”.

1.11 When things go wrong

Procedure for Officers

- 1.11.1 From time to time the relationship between Councillors and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through dialogue between the parties involved or conciliation by an appropriate senior manager, Councillor or Group Leader, Officers may refer the matter to the Monitoring Officer.

Procedure for Members

- 1.11.2 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Manager.
- 1.11.3 Where the Officer concerned is a Chief Officer or member of the Management Team, the matter should be raised with the Chief Executive.
- 1.11.4 Where the officer concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 1.11.5 If the matter cannot be resolved informally, it may be necessary to invoke the Council’s Disciplinary Procedure.

Protocol 2 - Working Groups and Task Groups

2.1 Definition

- 2.1.1 A Working Group is an informal meeting of Members authorised by a Committee or Sub-Committee to which the political balance requirements do not apply and to which no authority is delegated.
- 2.1.2 A Task Group is a Working Group of limited duration.
- 2.1.3 Panels may be either Working or Task Groups.

2.2 Appointment

- 2.2.1 A Committee or Sub-Committee may appoint Working Groups or Task Groups to consider and make recommendations on areas of its work.

2.3 Terms of Reference

- 2.3.1 The Terms of Reference shall be determined by the appointing Committee or Sub-Committee.

2.4 Membership

- 2.4.1 There is no requirement to meet the statutory requirements for political balance but membership should generally reflect the membership of the Council and may include co-opted non-members of the Council to attend some or all of its meetings.

2.5 Conduct of meetings

- 2.5.1 The conduct of Working Group meetings shall be a matter for the Chairman.

2.6 Meetings

Dates

- 2.6.1 Meetings will be held on dates and at times agreed by the Chairman. The first meeting in the Municipal Year will be held on a date agreed with the Chairman of the appointing Committee or Sub-Committee.

Change of Date or Time of Meetings

- 2.6.2 The Chairman may change the date and/or time or cancel a meeting of a Working Group.

2.7 Quorum

- 2.7.1 The quorum of a Working Group meeting shall be not less than three Members.

2.8 Chairman

2.8.1 A Chairman shall be elected at the first meeting of each Working Group in the Municipal Year.

2.9 Absence of chairman and vice-chairman

2.9.1 In the absence of the Chairman a Chairman for the meeting shall be elected.

2.10 Voting

2.10.1 Voting at a Working Group shall be by show of hands.

2.10.2 In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

2.11 Decisions

2.11.1 All decisions shall be by way of recommendation to the appointing Committee or Sub-Committee.

2.12 Minutes

2.12.1 Minutes shall be in a form sufficient to identify decisions and actions required. These may be submitted to the appointing Committee or Sub-Committee or form the basis of an Officer report.

2.13 Attendance by non-Members

2.13.1 All Members have the right to attend but may only speak with the agreement of the Chairman.

2.14 Notice and Agenda of meetings

2.14.1 All Members will be given Notice of Meetings and have access to Agenda.

2.15 Exclusion of press and public

2.15.1 Meetings will generally be held in private but the Group may allow the press and public to attend.

(NOTE: These protocols do not apply to consultation meetings convened by an Executive Member but will form the basis of guidance for the conduct of such meetings)

Part 6

Members' Allowances Scheme

Part 6: MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES SCHEME – 2018/19

The Members' Allowances Scheme operating from 1st April, 2018 provides for the following:

1. Payment of a Basic Allowance of £5599 to every Councillor for the year.

The Basic Allowance is provided to recognise and compensate the time commitment of Councillors including such inevitable calls on their time as attending Council and other formal meetings, training/briefings, civic events, undertaking general constituency work and to cover incidental costs such as the use of their homes, stationery, telephone usage, purchase of I.T. equipment, room/hall rental for community meetings, travel within their ward and the provision of general consumables.

2. Payment of Special Responsibility Allowances to:-

Leaders of Political Groups	£144 basic allowance, plus £57 for each Member of the Group
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Executive Members

Leader of the Council	£13901
Deputy Leader of the Council	£ 11353
Other Portfolio Holders	£ 9268

Chairmen of Committees/Panels

Full Council	£ 2620
Planning	£ 5346
Overview & Scrutiny	£ 3106
Budget Scrutiny Review Panel	£ 433
Licensing and Regulatory	£ 433
Licensing and Regulatory Sub	£ 433

Planning Committee Members £ 790

Mayoral Allowance	£ 12954 (to be paid on a Municipal Year basis)
Deputy Mayoral Allowance	£ 2675.94 (to be paid on a Municipal Year basis)

Payment will be made in monthly instalments and apportioned during the year, where appropriate. Members wishing to elect not to receive any Special Responsibility and/or Basic Allowance to which they are entitled, should write to Karen Mullett in Human Resources (Payroll) as soon as possible.

3. Travelling expenses will be paid for attendance at approved meetings.
The list of approved duties is set out in Schedule 1 of the scheme.
When traveling by train there be flexibility on train ticket options. Although standard fare is the normal ticket to be reimbursed a first class fare may also be reimbursed where it is shown to be the cheapest ticket available.

Part 6: MEMBERS' ALLOWANCES SCHEME

4. Where the requirements of paragraph 3 are met a travelling allowance for use of a private car will be paid at the following rates:

Car	-	45 pence per mile
Motorcycle	-	24 pence per mile

The above rates are subject to the equivalent standard rail fare for the journey being payable where this is lower. An enhanced travel allowance for shared vehicle use of 10 pence per mile for the first passenger and 6 pence per mile for the second and subsequent passengers is also payable.

In relation to travel between a Member's home and the Town Hall, Reigate or other place for approved duties within the Borough, the travel allowance can only be claimed and paid for mileage from and to the Borough boundary. This restriction should not apply to travel on official duties outside of the Borough.

The current bicycle allowance is 20p per mile.

5. Subsistence is generally only payable when a Member is not able to take a meal at his/her usual place of residence and has not been provided with refreshments at the Council's expense. Prior approval by the Chief Executive is required. The rates of Subsistence Allowance are currently as follows:

- (i) in the case of an absence, not involving an absence overnight from the usual place of residence:-

(a)	Breakfast	-	£6.36
(b)	Lunch	-	£8.78
(c)	Tea	-	£3.47
(d)	Evening Meal	-	£10.87

- (ii) in the case of an absence overnight from the usual place of residence:-

Standard Rate	-	£93.43
Absence in London or at an approved Conference	-	£106.61

The rate specified in (ii) above is deemed to cover a continuous period of absence of 24 hours. It should be reduced by an appropriate amount in respect of any meal provided free of charge by an Authority or Body during the period to which the allowance relates.

Subsistence cannot be claimed where expenses are already paid, for example as part of a course/conference fee. Prior approval to claim should be sought from the Chief Executive.

6. A Carer's Allowance is payable at the rate of £ 8.52 per hour per carer which is the equivalent of the first spine point from the Officer pay scales. For 2017/18 this is spine point 19. The carer must be over 16 years of age and cannot be a member of the claimant's household.

The Scheme covers Members with responsibility for:

- (i) one or more children under 16 years of age; and
(ii) a relative or household member who, by virtue of physical / mental incapacity,

Part 6: MEMBERS' ALLOWANCES SCHEME

requires constant care and attendance (as defined by Attendance Allowance).

A maximum of £3,000 can be paid to an individual Member in any one Municipal Year.

Carer's Allowance is payable in respect of the approved duties set out in schedule 1 to this scheme apart from attendance at meetings of Outside Bodies.

Incidental expenses

Incidental validated expenses such as reimbursement for postage due on incoming post (due to underpayment by sender), letters or similar eligible payments, be reclaimable through the Members Allowances Scheme to ease the administration of the process.

ADMINISTRATION

All payments will be made on a monthly basis through the payroll by direct transfer to your bank account. Basic and Special Responsibility Allowances will attract income tax and National Insurance deductions where appropriate. Travelling Allowances being reimbursements are not subject to National Insurance deductions. Any mileage expenses, above the HMRC's Approved Mileage Allowance Payments (AMAP) are taxable. The AMAP for a car is 45p and 24p for a motorcycle. To avoid National Insurance deductions, the payment of allowances must not reach **£490** per month during 2018/19. Age Exception cards can be used (but the Council, as employing authority, will still be subjected to the Employer's contribution of National Insurance). Such cards can be obtained on application from the local Department for Work and Pensions by persons of state pensionable age. On receipt of such a card by the recipient, it should be handed over to the Payroll Manager who will then ensure that the card is utilised when the gross allowances in any month reaches the National Insurance figure of **£490** per month.

Where a Member is currently paying the maximum National Insurance contribution relating to his/her normal employment he/she is advised to apply for deferment from the local Department for Work and Pensions. In these circumstances, the Department will almost certainly advise the Council not to deduct National Insurance contributions from that Member's gross pay.

Members' claims for travel and subsistence where payable should be sent to the Democratic Services by the 6th of each month and within 30 days of the expense being incurred.

Details of payments made by bank transfer will be despatched to Members on the 21st of each month. Blank forms relating to Travelling and Subsistence Allowance claims are available from eMembers: www.reigate-banstead.gov.uk/members

Queries as to whether an allowance is payable should be directed to Chris Phelan in Democratic Services (Tel: 01737 276114). Queries relating to payments received should be directed to Karen Mullett in Human Resources (Payroll) (Tel: 01737 276581).

SCHEDULE 1

APPROVED DUTIES

The following meetings are specified as an approved duty for the purpose of determining eligibility for travel and subsistence allowances:

- (a) Council, Executive and Council Committees, Sub-Committees, Task Groups, Policy Development Groups, Overview and Scrutiny Panels, Informal Local Committee meetings, Meetings attended in the Assistant Portfolio Holder role; Working Groups, Area Planning Panels, Local Joint Forum, Health and Safety Forum, Chairman's Previews, Agenda Planning Meetings, Portfolio Panels/Committees and Housing Appeals Panel which Members attend;
- (b) Local Authority Associations of which the Council is a Member;
- (c) Formal Site Visits and other meetings authorised in advance by a Committee or Sub-Committee;
- (d) Seminars, Workshops/Away Days or similarly labelled events held by the Council for Members;
- (e) Outside organisations (including associated attendances) to which the Member has been appointed by the Executive or a Committee or Sub-Committee of the Council.
- (f) The opening of tenders in accordance with the Council's Contract Procedure Rules.
- (g) Meetings in relation to the discharge of Executive functions by Executive Members, including:
 - the Executive;
 - Leader's meetings;
 - meetings with the Chief Executive or Heads of Service; and
 - meetings with other local authorities, outside organisations and individuals.
- (h) Meetings with Portfolio Holders/Officers;
- (i) Portfolio Briefings;
- (j) Member champion activities (including meetings attended on behalf of the Council (excluding those attended for personal interest);
- (k) Mayoral and Deputy Mayoral engagements;
- (l) Ad hoc attendances approved by the Chief Executive.