

CONSTITUTION

MONDAY 8 APRIL 2024

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Part 1 - Summary and Explanation

Part 1 - Summary and Explanation

1. The Constitution

- 1.1 The Council's Constitution (a set of rules and principles) sets out how we work, how we make decisions, and the procedures we follow to make sure our work is efficient and accountable to local people. Some of these procedures are set by law, while others are ones we have chosen to follow.
- 1.2 The Constitution is divided into Articles (sections) which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and 'protocols' within the Constitution.

2. What's in the Constitution?

- ◆ Article 1 - The Constitution
- ◆ Article 2 - Members of the Council
- ◆ Article 3 - The public's rights and responsibilities
- ◆ Article 4 - The full Council
- ◆ Article 5 - The Mayor
- ◆ Article 6 - The Executive
- ◆ Article 7 - Overview and Scrutiny
- ◆ Article 8 - Regulatory and other Committees
- ◆ Article 9 - Joint arrangements
- ◆ Article 10 - Management structure
- ◆ Article 11 - Decision-making
- ◆ Article 12 - Finance, contracts and legal matters
- ◆ Article 13 - Monitoring and reviewing the Constitution
- ◆ Article 14 - Suspending, understanding and publishing the Constitution.

3. How the Council works

- 3.1 The Council is made up of 60 Members, one-third of whom are normally re-elected each year. Members are elected to represent, and be answerable to, people living in their ward (the area they cover). Members have an overriding responsibility to the whole community, but they have a special duty to all their constituents (people who live in their wards).
- 3.2 Members have to follow the Council's Code of Conduct for Members to make sure they achieve high standards when carrying out their duties. The Audit Committee trains and advises Members on the Code of Conduct.
- 3.3 All Members meet together at Council meetings which are normally open to the public. At Council meetings, Members decide major policies and set the Budget each year. The Council has to:
- (a) Adopt and, where necessary, amend, the Constitution;
 - (b) Adopt the Code of Conduct;

- (c) Agree the major Policy and Budget Framework;
- (d) Appoint Members to Committees;
- (e) Appoint the Leader;
- (f) Appoint the Chief Executive.

4. **How decisions are made**

The Executive is responsible for most day-to-day decisions. The Executive is made up of the Leader and up to nine Members appointed by the Leader. When key decisions are to be discussed or made, these are published in the Executive's Forward Plan whenever possible. If these key decisions are to be discussed with Council officers at a meeting, this meeting will generally be open to the public unless exempt or confidential matters will be discussed. The Executive has to make decisions which are in line with our overall major Policies and Budget Framework. If they want to make a decision which is outside the Framework or budget, this must be referred to the Council.

5. **Overview and Scrutiny Committees**

5.1 Scrutiny Committees support the work of the Executive and the Council. The Committees allow members of the public to have a greater say in Council business by consulting them on matters that concern them. These inquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. Scrutiny Committees monitor services and Executive decisions. If the Committee considers that a decision is inappropriate it may recommend that the Executive reconsiders the decision. The Executive may also consult Scrutiny Committees on forthcoming decisions and ask them to develop policies.

5.2 The Health Scrutiny Committee undertakes a similar policy development and scrutiny role in relation to the health of the local community by working with all NHS bodies in our area.

6. **Council staff**

Council 'officers' give advice to Members, put the Executive's decisions into practice and manage the way services are delivered. Some officers have to make sure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationship between Council officers and Members.

7. **Your rights**

7.1 The public have a number of rights when dealing with the Council. These rights are set out in more detail in Article 3. Some of these are rights given by the law, but others are rights the Council has decided to give. The local Citizens' Advice Bureau can give advice on your particular rights.

- 7.2 If you use Council services, for example as a parent of a school pupil, you have additional rights that are not covered within this Constitution.
- 7.3 As a member of the public you have the following rights.
- (a) To vote at local elections (if you are registered to vote);
 - (b) To contact your local member about any matters which concern you;
 - (c) To get a copy of the Constitution;
 - (d) To attend Council and Committee meetings (as long as exempt or confidential matters are not being discussed);
 - (e) To ask questions, or present a petition at Council meetings (as long as the questions or petitions are about an issue that affects Peterborough);
 - (f) To sign and present a petition asking for a referendum so local people can vote on whether or not a Mayor should be elected;
 - (g) To contribute to the Council's consultations when appropriate;
 - (h) To find out, from the Executive's Forward Plan, what key decisions will be discussed or decided at its meetings, and when;
 - (i) To attend meetings of the Executive (as long as exempt or confidential matters are not being discussed);
 - (j) To see reports and background papers on, and any records of, decisions made by the Council or its Committees;
 - (k) To complain about a service provided by the Council;
 - (l) To complain to the Ombudsman if you think the Council has not followed its procedures properly. (However, you should only do this after going through our own complaints procedure);
 - (m) To complain to the Council's Monitoring Officer if you have evidence which you think shows that a Councillor has not followed the Council's Code of Conduct;
 - (n) You can get a copy of our complaints procedure, and details of the Ombudsman or Monitoring Officer / Audit Committee from the Council's Customer Services Officer on 01733 747474;
 - (o) To inspect our accounts and make your views known to the external auditor.
- 7.4 We welcome your involvement in our work. For further information on your rights, please telephone the Customer Services Officer on 01733 747474.



Part 2 - Articles of the Constitution

Article 1 - The Constitution

1. The Constitution

This Constitution and all its appendices form Peterborough City Council's Constitution.

2. Purpose of the Constitution

The aims of the Constitution are:

- (a) To provide clear leadership to the community and to gain the support of local people, businesses, public-service providers and voluntary organisations;
- (b) To support members of the public who are actively involved in decision-making processes and to make sure we are accessible, approachable and attentive;
- (c) To help Members represent their constituents more effectively;
- (d) To help make sure decisions are made more efficiently and effectively;
- (e) To create a powerful and effective way of holding decision makers answerable to the public;
- (f) To promote and maintain the highest standards of conduct in Members and officers;
- (g) To make sure that the public knows who is responsible for making decisions and that those people explain the reasons for their decisions;
- (h) To provide a way of improving the quality of our services and providing value for money.

3. Our powers

The Council will comply with the law and this Constitution when carrying out its duties.

4. Understanding and reviewing the Constitution

4.1 Where the Constitution allows us to choose between different courses of action, we will always choose the option which we think is closest to the aims stated above.

4.2 We will monitor and review the effectiveness of the Constitution as set out in Article 13.

Article 2 - Members of the Council

1. Size and make up of the Council

The Council is made up of 60 Members. One or more Members will be elected by the voters in each ward in line with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

2. Eligibility

Only people registered to vote in the area or those living or working there, can be Members.

3. Electing Members

Normally in May each year an election will be held to appoint a third of the Members making up the Council (subject to how close European or Parliamentary elections are being held). City Council elections do not usually take place in years when there are county council elections.

4. Term of Office

Each Member will normally hold their position for **four** years, starting on the fourth day after they are elected and finishing on the fourth day after the election **four** years later (unless they are re-elected).

5. Roles of all Members

All Members will:

- (a) Act together as the Council's policy-makers and carry out a number of management roles;
- (b) Represent their communities and give their views when decisions are made;
- (c) Deal with individual questions, complaints or comments raised by constituents or organisations and represent constituents when dealing with their particular concerns;
- (d) Balance different interests identified within their ward and represent their ward as a whole;
- (e) Be involved in making decisions;
- (f) Be available to represent us on outside organisations;
- (g) Maintain the highest standards of conduct and principles by formally agreeing to comply with the Code of Conduct for Members.

6. Rights and duties of all Members

- 6.1 Members will have the right to see any Council documents, information, land or buildings if this is necessary for them to carry out their duties properly and in keeping with the law.

- 6.2 Members will not release any information which is 'confidential or exempt' (not for the public) without our permission unless they are giving it to a Member or officer who is entitled to that information.
- 6.3 The exact meanings of 'confidential' and 'exempt' for this purpose are defined in [Part 4 of this Constitution](#).
- 6.4 Members have the right to apply to the Licensing Committee for a review of a licence or to oppose an application for a new licence, regardless of whether or not they live or have a business in the vicinity of the premises concerned.

7. Conduct

Members will always comply with the [Code of Conduct for Members](#), the [Planning Code of Conduct](#), the [Members' Licensing Code of Good Practice](#) and the [protocol on relationships between Members and Officers](#) (set out in Part 5 of this Constitution).

8. Allowances

Members can receive allowances for necessary food, drink, travel and accommodation as set out in [Part 6 of this Constitution](#).

Article 3 - The Public's Rights and Responsibilities

1. Voting and petitions

- 1.1 If you are on the electoral roll for the area you can vote in local elections and sign a petition to ask for a referendum on whether or not a Mayor should be elected.
- 1.2 If you are concerned about an issue affecting Peterborough you can present a petition about the issue at a Council meeting. A petition must either be presented by a Member or you can present one provided it contains:
- at least 20 signatures for an ordinary petition; or
 - at least 50 signatures to trigger submission of the petition to the Cabinet or Scrutiny Committee alongside or in advance of the business your petition is seeking to affect; or
 - at least 500 signatures for a petition to be eligible for debate at a meeting of the Full Council.

2. Information

- 2.1 You have the right:
- (a) To attend Council and Committee meetings (as long as confidential or exempt information will not be revealed);
 - (b) To attend meetings of the Executive (as long as confidential or exempt information will not be revealed);
 - (c) To find out, from the Executive's Forward Plan, what major decisions will be discussed or decided at its future meetings;
 - (d) To see reports and background papers on, and any records of, decisions made by the Council and the Executive (as long as confidential or exempt information will not be revealed);
 - (e) To inspect our accounts and make your views known to our external auditor.
- 2.2 Your right to information is explained in more detail in [Part 4 of this Constitution](#).

3. Taking part

You have the right to take part in both the Council's Questions and Petitions Time.

4. Complaints

You have the right to complain to:

- (a) the Council through its complaints procedure;
- (b) the Ombudsman; and
- (c) the Council's Monitoring Officer.

5. Your responsibilities

You must not be violent, abusive or threatening towards Members or officers, and you must not intentionally damage things owned by the Council, Members or officers. If you attend an official meeting you must respect the Mayor or chairman and obey their instructions so that the meeting can be conducted in an orderly way.

Article 4 - The Full Council

1. Major Policy Framework

The [Council's Major Policy Framework](#) is contained within the Delegations Document (Part 3 of this Constitution).

2. Budget

The Budget sets out the following:-

- (a) The funding the Council allocates to different services and projects.
- (b) The amount we should set aside as a contingency fund, to deal with unexpected expenses.
- (c) The Council Tax base.
- (d) The Council Tax to be charged.
- (e) Decisions relating to the Council's need to borrow money, its spending on fixed assets such as equipment and property and the limits on the funds available to transfer between accounts held for different purposes.

3. Housing land transfer

Housing land transfer is when, with the Secretary of State's approval, the Council transfers:-

- (a) 500 or more properties to a person under the [Leasehold Reform, Housing and Urban Development Act 1993](#); or
- (b) land used for residential purposes (if we need approval under sections 32 or 43 of the [Housing Act 1985](#)).

4. Functions of the Full Council

Only the Council can:-

- (a) Adopt and change the Constitution (apart from consequential amendments arising from changes to the law and/or changes to the management/committee structure of the Council which may be made by the Monitoring Officer);
- (b) Approve or adopt the major Policy Framework, the Budget and any application for housing land transfer;
- (c) Make decisions about the discharge of an Executive function, if that Executive decision is made in a way which is not in keeping with the major Policy Framework or the Budget;
- (d) Appoint the Leader;
- (e) Agree or amend the rules on how Committees should be set up, what they should do, and how they should do it;
- (f) Appoint the chairman and other members to non-Executive Committees.
- (g) Appoint representatives to outside bodies, unless the Executive or another body is responsible for making the appointment;
- (h) Adopt a Members' allowances scheme;
- (i) Change the name of the area, give somebody the title of 'Honorary Alderman', or give them the 'Freedom of the City';
- (j) Confirm the appointment and the dismissal of the Chief Executive;
- (k) Confirm the appointment and dismissal of the Head of Paid Service, Monitoring Officer and/or the Chief

Finance Officer and in the case of a dismissal following a recommendation which has been considered by the Independent Panel;

- (l) Establish an Independent Panel for the purposes of considering and commenting upon and proposal to dismiss any statutory officers
- (m) Appointment of Independent Person to the Council
- (n) Revise or adopt byelaws, and promote or oppose local regulations;
- (o) All functions set out in [Part 3 of this Constitution](#) which the Council decides should be carried out by itself rather than the Executive;
- (p) All other matters which, by law, must be dealt with by the Council

5. Council meetings

There are three types of Council meeting:

- (a) the Annual meeting;
- (b) Ordinary meetings; and
- (c) Extraordinary meetings.

All meetings will be conducted in accordance with [Part 4 of this Constitution](#).

6. Responsibility for functions

Part 3 of this [Constitution](#) sets out the responsibilities of:-

- (a) the Council
- (b) the Executive; and
- (c) Regulatory committees.

The Executive functions may be carried out by:

- (a) the whole Executive;
- (b) a committee of some Executive members;
- (c) an individual Member of the Executive;
- (d) a Council officer.

Article 5 - The Mayor

The Mayor will be elected by the Council each year. The Mayor, and in their absence the Deputy Mayor, will have the following responsibilities:-

- (a) To uphold and promote the Constitution, and to interpret the Constitution when necessary;
- (b) To chair full Council meetings so they are conducted efficiently and take account of the rights of Members and the interests of the community;
- (c) To promote public involvement in our activities;
- (d) To act as our ambassador within Peterborough and to represent Peterborough outside the area;
- (e) To attend or chair civic and ceremonial functions when appropriate.

Article 6 - The Executive

1. Role

The Executive will implement the policies within the Budget and Policy Framework approved by the Council.

2. Form and set-up

The Executive is made up of the Leader together with up to nine Cabinet Members appointed by the Leader.

3. Leader

The Leader is a Member elected to the position by the Council. The Leader will hold office for a period of four years or until he or she:-

- (a) resigns;
- (b) stops being a Member; or
- (c) is removed from that position by the Council.

4. Other Executive Members

Other Executive members will hold office until the next annual Council meeting or until they:

- (a) resign;
- (b) stop being Members; or
- (c) are removed from that position, either individually or collectively, by the Leader.

5. Proceedings of the Executive

Proceedings of the Executive will take place in line with the Executive procedure rules set out in [Part 4 of this Constitution](#).

6. Responsibility for functions

The Leader will maintain a list (see [Part 3 of this Constitution](#)) which sets out which individual Members or officers are responsible for carrying out particular Executive functions.

Article 7 - Overview and Scrutiny

1. OVERVIEW AND SCRUTINY COMMITTEES

1.1 The Council will appoint one or more Overview and Scrutiny Committees to carry out the following functions:

- (a) Local authority functions under Section 9F to Section 9FI of the [Local Government Act 2000](#);
- (b) Scrutiny of crime and disorder matters under Section 19 of the [Police and Justice Act 2006](#);
- (c) Scrutiny of health matters under Section 244 (2ZE) of the [National Health Service Act 2006](#) and subsequent regulations; and
- (d) Scrutiny of flood risk management under Section 9FH of the [Local Government Act 2000](#) as amended by the [Flood Risk Management Act 2010](#).

1.2 The Council has established the following Overview and Scrutiny Committees:

- (a) Children and Education Scrutiny Committee;
- (b) Adults and Health Scrutiny Committee;
- (c) Climate Change and Environment Scrutiny Committee;
- (d) Growth, Resources and Communities Scrutiny Committee.

1.3 The Council will designate particular Scrutiny Committees to have responsibility for overview and scrutiny of matters relating to health, education, crime and disorder and flood risk management.

2. SUMMARY OF OVERVIEW AND SCRUTINY FUNCTIONS

2.1 Within their terms of reference set out in [Part 3 Section 4 of the Constitution](#), the Overview and Scrutiny Committees may:

- (a) Develop policy proposals for consideration by the Executive and make recommendations to the Executive on certain executive decisions;
- (b) Review or scrutinise decisions made, or other actions taken, in connection with any of the Council's functions;
- (c) Make reports and recommendations to the Cabinet and/or full Council and/or any Committee in connection with the discharge of any of the Council's functions;
- (d) Consider any matters affecting the area of Peterborough or its inhabitants and make reports and recommendations; and
- (e) Call in decisions of the Executive in accordance with the Call-In procedures in the Scrutiny Committee Procedural Rules.

2.2 In addition to its role in holding the Executive and partners to account, the role of scrutiny is to provide a positive input into decision-making at an early stage; both at the policy development stage and prior to decision making. It has a strong, objective and distinct voice and is a mechanism for bringing forward a wide range of voices, views, ideas and expertise. Comprising members of an elected body, it will ensure it adds value and transparency at all times.

3. STATUTORY SCRUTINY OFFICER

The Council has designated the Head of Constitutional Services as its Statutory Scrutiny Officer.

4. TERMS OF REFERENCE AND PROCEEDINGS OF THE SCRUTINY COMMITTEES

Scrutiny Committees will carry out their functions in accordance with their [Terms of Reference](#) and [Procedure Rules](#) as set out in Part 3 and Part 4 of this Constitution.

Article 8 - Regulatory and Other Committees

1. Regulatory

The Council will appoint the Regulatory Committees referred to in [Part 3 of this Constitution](#) to carry out the functions delegated to them.

2. General purpose

The Council will appoint a number of general purpose or informal bodies as set out in the Delegations Document (see [Part 3 of this Constitution](#)).

Article 9 - Joint Arrangements

1. Arrangements to promote well-being

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

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

2. Joint arrangements

2.1 The Council may set up joint arrangements with one or more local authorities to carry out non-Executive functions in, or give advice to, those authorities.

2.2 The Executive may set up joint arrangements with one or more local authorities to carry out Executive functions. These arrangements may involve setting up joint committees with these other local authorities.

2.3 The Executive may appoint only its Members to a Joint Committee.

2.4 Details of any joint arrangements, including Members and functions of Joint Committees, as set out in [Part 3 of this Constitution](#).

3. Access to information

The access to information rules in [Part 4 of this Constitution](#) apply to Joint Committees.

4. Delegation to and from other local authorities

4.1 The Council may give non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

4.2 The Executive may give executive functions to another local authority or, in certain circumstances, the Executive of another local authority.

4.3 The decision whether or not to accept functions given by another local authority will be made by the Executive in relation to Executive functions and the Council for non-Executive functions.

5. Contracting out

The Executive may give another organisation the contract to perform functions which may be carried out by a Council officer and which are governed by:

- (a) an order under section 70 of the [Deregulation and Contracting Out Act 1994](#); or
- (b) contracting arrangements where the contractor acts as the Council's agent under usual contracting principles;

provided that the Council's right to make decisions is not contracted out.

Article 10 - Management Structure

1. Management structure

The Council employs officers as it considers necessary to carry out its functions including:-

Post	Areas of responsibility
Chief Executive (and Head of Paid Service)	<ul style="list-style-type: none"> ◆ Managing all the Council's functions (including overall responsibility for all officers) <ul style="list-style-type: none"> - Governance - Resources - Growth & Regeneration - People and Communities - Public Health ◆ Providing professional advice to everyone involved in the decision-making process ◆ Representing the Council on outside organisations
Corporate Director Resources (Chief Finance Officer)	<ul style="list-style-type: none"> ◆ Financial planning, corporate accounting, internal audit & insurance, schools funding ◆ Serco contract, Digital Peterborough, Aragon, Westcombe energy, Vivacity ◆ Bereavement service & registration services, markets, regulatory services, strategic parking and bus stations ◆ marketing & communications and tourism ◆ Resilience.
Executive Director for Place and Economy	<ul style="list-style-type: none"> ◆ Building control, development management planning compliance, environmental strategy ◆ Property and strategic planning, natural & historic environment, asset & contract performance, highways maintenance & schemes commissioning ◆ Transport & infrastructure commissioning, highway & drainage control, network and traffic management, SKANSKA ◆ School infrastructure ◆ Housing Needs

<p>Executive Director People and Communities Cambridgeshire and Peterborough Councils</p>	<ul style="list-style-type: none"> ◆ Adult social care operations, ◆ Adults and Children Early Help ◆ Adults and Children Safeguarding and Quality Assurance ◆ Adults and Children Commissioning and Quality Improvement ◆ Housing Programmes, Statutory Homelessness, Care and Repair ◆ Community & Safety services, Offender services, parking services, CCTV and out of hours service ◆ Children’s social care operations, ◆ Supporting Adult and Children Safeguarding Boards ◆ Claire Lodge welfare secure unit ◆ Cherry Lodge & Manor and short breaks and outreach for children with disabilities ◆ Community cohesion & development ◆ School Improvement, Admissions & Pupil Place Planning, School Transport, , special educational needs & inclusion, City College Peterborough, pupil referral units, ◆ Commissioning (public health, SEND and child health, children’s & adult social care and targeted services for adults and children), ◆ Early years & quality improvement.
<p>Director of Public Health</p>	<ul style="list-style-type: none"> ◆ Public Health
<p>Director of Law and Governance (and Monitoring Officer)</p>	<ul style="list-style-type: none"> ◆ Legal services, ◆ Democratic services, ◆ Elections, ◆ Members Services, ◆ Mayor’s Office ◆ Information governance and freedom of information,, ◆ Coroner’s office,
<p>Director of Customer and Digital Services</p>	

Director of Business Improvement and Development

The Monitoring Officer will make the necessary amendments to this Article to reflect any changes that are from time to time made to the Management Structure under the authority delegated to the Cabinet, Employment Committee, the Head of Paid Service or other officers in accordance with the scheme of delegation and other powers within this Constitution.

2. Functions of the Head of Paid Service

The Head of Paid Service will report to the Council on the way it performs its functions, the number and grades of officers needed to perform those functions, and the organisation of officers.

The Head of Paid Service cannot be the Monitoring Officer, but can be the Chief Finance Officer if they are a qualified accountant.

3. Functions of the Monitoring Officer

The Monitoring Officer will:-

- (a) Maintain an up-to-date version of the Constitution and make sure it is widely available to Members, officers and the public;
- (b) Report to the Council (or the Executive in relation to an Executive function) if any proposal, decision or failure could give rise to unlawfulness or maladministration. (the report would stop the proposal or decision from coming into effect until the report has been considered);
- (c) Promote and maintain high standards of conduct by providing support to the Constitution and Ethics Committee including reports and recommendations;
- (d) Make sure the Executive's decisions (together with the reasons for those decisions) reports, and background papers are made available to the public as soon as possible;
- (e) Confirm whether or not the Executive's decisions are in keeping with the Budget and Policy Framework;
- (f) Give Members advice on our authority to take decisions and on maladministration, financial irregularities, guiding principles, and the Budget and major Policy Framework;
- (g) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

4. Functions of the Chief Finance Officer

The Chief Finance Officer will:-

- (a) After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Executive and subsequently to Council and the external auditor if:
 - they think that any proposal, decision or course of action will involve unlawful spending or is unlawful and is likely to cause a loss; or
 - the Council is about to enter an item of account unlawfully;
- (b) Be responsible for managing the Council's financial affairs;

- (c) Help the Council to run its services, by providing professional financial advice;
- (d) Give Members advice on our authority to take decisions and on maladministration, financial irregularities, guiding principles, the Budget and Major Policy Framework;
- (e) Support, and give advice to, Members and officers;
- (f) Provide financial information to the press, Members of the public and the community.

5. Functions of the Statutory Scrutiny Officer

The Statutory Scrutiny Officer will:

- (a) promote the role of the Council's Overview and Scrutiny Committees;
- (b) provide support to the Council's Overview and Scrutiny Committees and the members of those committees;
- (c) provide support and guidance to:
 - (i) members of the authority;
 - (ii) members of the Executive of the authority, and
 - (iii) officers of the authority

in relation to the functions of the Council's Overview and Scrutiny Committees.

The Statutory Scrutiny Officer may not be:

- The Head of Paid Service
- The Monitoring Officer
- The Chief Finance Officer

6. Duty to provide resources to the Monitoring Officer and Chief Finance Officer

The Council will provide accommodation, equipment and other resources that are necessary for the Monitoring Officer and the Chief Finance Officer to perform their duties.

7. Conduct of officers

Officers will comply with the [Officers' Code of Conduct](#) and the [Protocol on relationships between Members and officers](#) (set out in Part 5 of this Constitution).

8. Employment

The Council will recruit, employ and dismiss officers in line with the [Officer Employment Procedure Rules](#) set out in Part 4 of this Constitution.

Article 11 - Decision Making

1. Responsibility for decision making

The Council will keep a record of the decisions taken and persons responsible for them available to the public. These details are set out in [Part 3 of this Constitution](#).

2. Role of decision makers

All decision makers will:-

- (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public;
- (b) understand and keep to the legal requirements regulating their power to make decisions;
- (c) take account of all relevant matters, both general and specific, and ignore any irrelevant matters;
- (d) act for a proper purpose and in the interests of the public;
- (e) keep to the rules relating to local government finance;
- (f) follow procedures correctly and be fair;
- (g) make sure they are properly authorised to make the decisions;
- (h) be responsible for their decisions and be prepared to give the reasons for them;
- (i) take appropriate professional advice from officers.

3. Key decisions

A 'key decision' is an Executive decision which is likely to:

- (a) result in the Council spending, or saving a significant amount compared with the Budget for the service or function the decision relates to; or
- (b) have a 'significant' effect on communities living or working in an area made up of two or more wards.

"When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if the amount spent or saved is less than £500,000 (excluding VAT). A decision which results in expenditure or saving of £500,000 or more will generally be considered a key decision."

A key decision which is considered to have a 'significant' effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:

- the amenity of the community or;
- quality of service provided by the authority.

For the purposes of determining whether a decision is key 'significant' is defined as a situation where the broader implications of a proposal are so evident or substantial that they need to be taken into consideration when Members are making a decision on the proposal.

4. Decision making by the full Council

The Council will follow the Council's Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

5. Decision making by the Executive

The Executive will follow the Executive Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

6. Decision making by Scrutiny Committees

Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in [Part 4 of this Constitution](#) when considering any decision.

7. Decision making by other Committees and Sub-Committees

Committees and Sub-Committees will follow those parts of the Council procedures rules set out in Part 4 of this [Constitution](#) as apply to them.

8. Human Rights

All decisions taken by the Council will be in accordance with the requirements contained in the European Convention of Human Rights.

Article 12 - Finance, Contracts and Legal Matters

1. Financial management

The Council's financial affairs will be managed in line with the [Financial Regulations](#) set out in Part 4 of this Constitution.

2. Contracts

Every Council contract will follow the [Contract Regulations](#) set out in Part 4 of this Constitution.

3. Legal proceedings

The Monitoring Officer is authorised to start, defend or take part in any legal proceedings if this is necessary to bring Council decisions into effect or to protect its interests.

4. Authentication of documents

If any Council document is necessary in any legal proceedings, it will be signed by the Monitoring Officer (or another person authorised by them (unless any other person is authorised, by law or by order of the Council, to sign the document)). That signature will confirm that the document is authentic.

5. Common seal

The Monitoring Officer will keep the Council's Common Seal (our official seal) in a safe place. A decision made by the Council, or any part of it, gives authority for any document to be marked with the Common Seal and so take effect. The Common Seal will be placed on documents which, in the opinion of the Monitoring Officer, should be sealed. When the Common Seal is placed on a document it will be witnessed and signed by the Monitoring Officer or some other person authorised by him or her.

Article 13 - Monitoring and Reviewing the Constitution

1. Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the effectiveness of the Constitution to make sure the aims and principles of the Constitution are fully enforceable.

2. Procedure for monitoring and review of the Constitution

The Monitoring Officer must know the strengths and weaknesses of the Constitution and recommend ways in which it could be improved in line with the purposes set out in Article 1. In doing this the Monitoring Officer may:

- (a) sit in on meetings of the different parts of our structure (that is, the Council, the Executive, Committees and sub-Committees or officer meetings);
- (b) Carefully examine a sample of decisions;
- (c) record and analyse issues raised by Members, officers, and members of the public; and
- (d) compare our practices with those in comparable local authorities, or with national examples of best practice.

3. Approving changes to the Constitution

- (a) Changes to the Constitution will be approved by the full Council.
- (b) Any consequential amendments arising from changes to the law and / or changes to the management / committee structure of the Council will be made by the Monitoring Officer.

4. Changing the form of the Executive

The Council must consult local people when we are drawing up proposals to change the form of the Executive and must hold a referendum if the change would be to appoint a Mayor as defined by the [Local Government Act 2000](#).

Article 14 - Suspending, Understanding and Publishing the Constitution

1. Limits on suspending the Constitution

The Articles of this Constitution may not be suspended. The standing orders and procedure rules in [Part 4 of this Constitution](#) may be suspended in line with the relevant standing orders and rules.

2. Procedure to suspend the Constitution

A proposal to suspend any rules will not be discussed unless at least half of the total number of Members are present. The extent and period of the suspension will be relative to the result to be achieved.

3. Understanding the Constitution

The Mayor's ruling on how this Constitution should be interpreted or applied, or on any Council proceedings, cannot be challenged at any Council meeting.

4. Publishing the Constitution

The Monitoring Officer will give a copy of this Constitution to each Member when they give their declaration of acceptance of office, when first elected to the Council.

The Monitoring Officer will make sure that copies can be inspected at Council offices, libraries and other appropriate locations, and that members of the local press and the public can buy copies of the Constitution for a reasonable fee.

The Monitoring Officer will make sure that a summary of the Constitution is made widely available within the area and is updated as necessary.

Part 3 - Delegations

Introduction

This part of the Constitution sets out the Council's terms of reference and delegation arrangements in accordance with the Local Government Act 2000 and relevant statutory regulations. The decision-making framework consists of three elements:

- **Functions reserved to the Council**, and more minor functions which will usually be carried out by officers under delegated authority on behalf of the Council;
- Functions carried out by **Regulatory Committees** and by delegation to officers, in accordance with the Section 101 of the Local Government Act 1972;
- All other functions are known as '**Executive functions**' and are carried out by the Cabinet, member of the Cabinet, a Committee of Cabinet Members, an officer or a joint arrangement with another authority.

Decisions taken by the Executive may not be over-ruled by the Council, provided they are within the Council's approved major Policy Framework and Budgetary provision. They may, however, be studied by the Scrutiny committee which has a specific responsibility to scrutinise and, in occasional circumstances, call-in a decision for re-consideration by the Executive.

In the case of the Regulatory Committees, most of the issues dealt with are applications for licences, planning permissions, and registration matters, and their decisions are not subjected to a call-in procedure except in relation to planning where a matter can be referred to the Planning Review Committee to determine. In relation to any decision taken by a Committee (other than in relation to the determination of planning matters) the Council can refer the decision back to the Committee.

All decisions made are subject to the rights of third parties acquired as a result of those decisions. For example, the Council would be bound by the acceptance of a tender under delegated powers or a planning permission where the decision notice has been issued.

An officer's decision shall, where matters of substantial importance are involved, be reported to the Executive or to the next ordinary meeting of the appropriate committee. Should Members wish to question any specific delegation exercised by any officer, then they should contact the Leader who may refer the matter to the Chief Executive or the Director of Governance. If they are unable to resolve the matter it will be referred to the Cabinet or a Committee, depending upon the nature of the issue, where the Member questioning the exercise of the delegation will state their case.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

Section 1 – Functions Reserved to the Council

1.1 Policy Functions

- 1.1.1 To make, amend, revoke or re-enact bye-laws, and to promote or oppose local or personal Bills.
- 1.1.2 To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- 1.1.3 To determine matters that are the responsibility of the Executive, which are outside the agreed policy framework or budget and are not covered by one of the exemptions listed in the Executive Procedure Rules, set out in Part 4 of this Constitution.
- 1.1.4 To adopt, approve and revoke the following plans and strategies, which comprise the Council's Major Policy Framework:

Plans reserved to Council by Law

- (a) Safer Peterborough Partnership Plan (to include Youth Justice Plan and Reduced Reoffending Strategy¹)
- (b) Development Plan Documents
- (c) Neighbourhood development plans and neighbourhood development orders
- (d) Community Infrastructure Levy (CIL)
- (e) Statement of Licensing Policy under s5 of the Licensing Act 2003
- (f) Licensing Authority Policy Statement under s349 of the Gambling Act 2005
- (g) Pay Policy Statement

Plans required by statute and included by local choice

- (a) Joint Municipal Waste Management Strategy
- (b) Flood Risk Management Strategy
- (c) Housing Strategy (to include the Housing Strategic Tenancy Policy²)
- (d) Homelessness Strategy
- (e) The Housing Register Allocations Policy

Plans included by local choice

- (a) Corporate Priorities
- (b) Trees and Woodlands Strategy
- (c) Culture Strategy
- (d) Biodiversity Strategy
- (e) Environment Action Plans
- (f) Any other plan or strategy that must be approved by the authority and submitted to the Secretary of State or a Minister of the Crown for approval.

- 1.1.5 To instigate major reviews of policy and co-ordinate the work of the Executive and Committees.

- 1.1.6 To manage and review the performance of the Council within stated policy.

¹ Reduced Reoffending Strategy is required by law and is included in framework by local choice

² Housing Strategic Tenancy Policy is required by law and Housing Strategy is included by local choice

1.2 Budget and Financial Functions

1.2.1 To approve the Annual Budget, including:

- (a) the budget strategy for both revenue and capital spending;
- (b) capital and revenue estimates in accordance with the budget strategy;
- (c) the annual review of fees and charges;
- (d) the annual council tax and related matters in respect of the tax base, Collection Fund and Council tax subsidy.

1.2.2 To approve the Medium Term Financial Strategy, including

- (a) the treasury management strategy;
- (b) the capital strategy;
- (c) the Asset Management Plan.

1.2.3 To determine statutory borrowing limits and the Council's Investment strategy.

1.2.4 To determine the choice of the Council's main bank.

1.2.5 To determine matters relating to local government pensions, where these are not delegated to officers, in accordance with regulations made under the Superannuation Act 1972.

1.2.6 To make proper arrangements for the administration of the Council's financial affairs, where these are not delegated to officers, in accordance with section 151 of the Local Government Act 1972.

1.2.7 To approve the Statement of Accounts, in accordance with Regulation 8 of the Accounts and Audit Regulations 1996.

1.3 Constitutional, Operational and Ceremonial Functions

1.3.1 To adopt and review this Constitution and determine any changes to it (other than consequential changes which may be made by the Monitoring Officer).

1.3.2 To determine the scheme of payment of allowances to Members.

1.3.3 To make any appointments to other bodies not approved through delegated authority.

1.3.4 To make appointments to Committees, other than those covered by other delegations.

1.3.5 To appoint the Leader.

1.3.6 To appoint the Mayor and Deputy Mayor.

1.3.7 To appoint, discipline or dismiss the Chief Executive.

1.3.8 To appoint and dismiss 'statutory officers'; the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

1.3.9 To confer the title of Honorary Alderman, or award the Freedom of the City.

1.3.10 To adopt the Petitions Scheme and determine any changes to it.

1.4 Election and Parish Functions

1.4.1 To appoint an electoral registration officer.

1.4.2 To appoint a returning officer for local government elections.

1.4.3 To determine functions in relation to parishes and Parish Councils.

1.4.4 To conduct reviews of parishing arrangements, including dissolving small Parish Councils, making orders for (or dissolving or separating) groups of parishes or creating parishes, or changing the name of a parish.

1.4.5 To divide constituencies and electoral divisions into polling districts.

1.4.6 To pay expenses properly incurred by electoral registration officers.

1.4.7 To fill electoral vacancies in the event of there being insufficient nominations.

1.4.8 To determine whether to submit an application to the Secretary of State for a pilot electoral scheme for local elections.

1.4.9 To determine any proposals to change the name of the Council.

1.5 Delegations to Officers

1.5.1 The Chief Executive is authorised to undertake functions in respect of holding elections, to assign officers in relation to requisitions of the electoral registration officer and to appoint deputy electoral registration officers.

1.5.2 The Chief Executive is required to provide assistance at European Parliamentary elections.

1.5.3 The Chief Executive is authorised to:

- (a) declare a vacancy in office in certain cases;
- (b) give public notice of a casual vacancy;
- (c) make temporary appointments to Parish Councils.

1.5.4 The Chief Executive is authorised to make payments or provide other benefits, in consultation with the Cabinet, and either the Scrutiny Committees or Council (as appropriate), in cases of maladministration.

1.5.5 The Director of Governance is authorised to determine fees and conditions for the supply of copies of, or extracts from, electoral documents.

1.5.6 The Director of Governance is authorised to make appointments to partnerships and outside organisations where they have been agreed in accordance with the Council's approved procedure set out at Part 4 of this Constitution.

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Section 2 – Regulatory Committee Functions

Introduction

These regulatory functions consist of:

functions which the Executive may not in law exercise, and

'local choice' functions where Council has decided that they shall not be exercised by the Executive.

The Council has delegated to every Committee full powers to act in all matters covered by the Committee's terms of reference subject to:

- (a) the provisions of any financial or procedural rules for the time being in force as set out in this constitution, except where such rule has been specifically waived by resolution of the Council;
- (b) prior Council approval to recommendations for the allocation of duties or powers;
- (c) the right of Council to call for a report on any committee decision;
- (d) the right of Council to exercise the powers which have been delegated, when necessary.

Each Committee may appoint, and delegate any of its powers to, sub-committees and officers and may also authorise an officer, after consultation with the chairman of the Committee, to take other decisions on specific urgent matters falling within its own terms of reference. Each Committee may, from time to time, amend or vary the delegation of its powers to sub-committees and officers.

Every Committee shall have the power to undertake its functions for other local authorities.

Any sub-committee established by a Committee must refer back to the Committee for decision any matters which the committee reserves to itself, and must submit to it the minutes of all the sub-committee's meetings.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

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2.1 APPEALS AND PLANNING REVIEW COMMITTEE

- 2.1.1 It is advised that Members undertake relevant training within the past three years in order to hold a seat on this committee.

Terms of Reference

- 2.1.2 To review appeals procedures for the Council's various services (excluding appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive or Council.
- 2.1.3 To hear and determine appeals about all the Council's services, other than employee appeals and those for which there are separate, statutory appeals procedures, and to set up panels for this purpose.

Planning Reviews

- 2.1.4 To determine any planning matter that has been referred to the Committee following the implementation of the planning call-in procedure.
- 2.1.5 The Committee shall adopt the Planning Speaking Scheme at its meetings and shall follow the same procedure as the Planning and Environmental Protection Committee.
- 2.1.6 All Members of the Committee (and substitutes) shall have received appropriate training before being involved in the determination of a planning matter.

Appeals Panel

- 2.1.7 The Committee has set up a panel to hear appeals about Council Services. The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. The quorum shall be three members. Political balance applies to the panel.

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2.2. Audit Committee

2.2.1 It is advised that Members undertake relevant training within the past three years in order to hold a seat on this committee.

2.2.2 Terms of Reference

2.2.2.1 To consider the annual report and opinion of the Corporate Director Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

2.2.2.2 To consider summaries of specific internal audit reports as requested.

2.2.2.3 To consider reports dealing with the management and performance of the providers of internal audit services.

2.2.2.4 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

2.2.2.5 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

2.2.2.6 To consider specific reports as agreed with the external auditor.

2.2.2.7 To comment on the scope and depth of external audit work and to ensure it gives value for money.

2.2.2.8 To liaise with the Public Sector Audit Appointments Ltd (PSAA) over the appointment of the council's external auditor.

2.2.2.9 To commission work from internal and external audit.

2.2.2.10 To have oversight of the Regulation of Investigatory Powers policy and processes.

2.2.2.11 Authority to approve any changes regarding the Council's Whistle-Blowing policy and arrangements.

2.2.2.12 To consider reports in relation to the performance of the Council's companies, alongside comments from the Shareholder Cabinet Committee.

2.2.2.13 To produce an annual report for consideration by Full Council.

Regulatory Framework

2.2.2.14 To review any issue referred to it by the Chief Executive or a Director, or any Council body.

2.2.2.15 To monitor the effective development and operation of risk management and corporate governance in the council.

2.2.2.16 To monitor Council policies on "raising concerns at work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.

2.2.2.17 To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.

2.2.2.18 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

Accounts

- 2.2.1.19 To review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 2.2.1.20 To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

Independent Members of Audit Committee

- 2.2.1.21 The Audit Committee will include up to 3 independent co-opted non-voting members sitting alongside 7 elected members. Independent members will be appointed by the Council to serve an initial 4 year term, which may be extended with the agreement of Council.
- 2.2.1.22 The Committee will be chaired by an Independent Member. In the absence of the appointed chair one of the remaining two Independent Members will be appointed as Chair by the Committee.
- 2.2.1.23 The Vice-Chair will be an elected member whose purpose will be to support the Chair and in the event of an equality of votes, to exercise a second or casting vote.
- 2.2.1.24 The role of an Independent Member is to support the Council's Audit Committee in its role to provide independent assurance to the members of Peterborough City Council, and its wider citizens and stakeholders.
- 2.2.1.25 Independent members will be expected to actively participate in meetings of the Audit Committee and demonstrate independence, integrity, objectivity and impartiality in their decision-making. They will support reporting as required to Full Council, including the Annual Audit Committee report.
- 2.2.1.26 Independent members will contribute to the work of the Audit Committee in its role in reviewing the Council's financial affairs, including making reports and recommendations, overseeing internal and external audit arrangements, reviewing and scrutinising financial statements, seeking assurances of compliance with the Treasury Management Strategy and practices and reviewing and assessing the governance, risk management and control of the authority.

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2.3 Employment Committee

2.3.1 It is advised that Members undertake relevant training within the past three years in order to hold a seat on this committee.

2.3.2 Terms of Reference

2.3.2.1 To appoint Directors and Heads of Service, and determine terms and conditions of employment.

2.3.2.2 To determine employee procedures, including dismissal procedures.

2.3.2.3 To act as the Employer's Side of the Joint Consultative Panel (the Council's consultative body with recognised trade union representatives), for discussion and negotiation. When meeting in this context, the Cabinet member with human resource responsibilities may attend and speak, if not already a member of this committee.

2.3.2.4 To determine local terms and conditions of employment for employees.

2.3.2.5 To consider, and recommend appropriate actions where necessary in response to, executive proposals relating to:

- (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts;
- (b) requests for Trade Union facilities, including budget and establishment;
- (c) other executive human resources matters.

2.3.2.6 To promote and pursue a policy of equal opportunities in employment.

2.3.2.7 To determine pension issues which relate to auto enrolment.

2.3.3 Delegation to Officers

2.3.3.1 The appropriate Director is authorised to make appointments to vacancies on the establishment at levels below Head of Service, within approved policy and budgets, subject to:

- (a) appointments of Directors and Heads of Service (unless on an interim or acting up basis in which case such appointments may be made by the Chief Executive) being made by the Employment Committee (the Chief Executive's appointment is subject to a separate procedure reserved to Council);
- (b) any limitations or other conditions in relation to filling vacancies which are currently required by the Executive.

2.3.3.2 The Chief Executive shall advertise vacancies subject to the authorisation of a recruitment requisition, to any overriding Council policy, to there being adequate budget provision, and to compliance with national or local agreements.

2.3.3.3 In respect of all employees, Directors may:

- (a) suspend employees in accordance with the agreed procedure, subject to consultation with the Director of Governance;
- (b) subject to the approved appeals procedure and consultation with the Director of Governance, take any disciplinary action (including dismissal) and any action relating to incapability (including dismissal);
- (c) approve the transfer of probationary staff to the permanent establishment at the end of their probationary period;
- (d) terminate the employment of staff whose performance has not been satisfactory during their probationary period;
- (e) in consultation with the Director of Governance, determine whether a post is unsuitable for job-share and appoint in accordance with that determination and Council policy;
- (f) award an additional payment/honorarium to any member of staff within the guide-lines determined by Director of Governance;
- (g) authorise Essential and Casual Car Allowances in accordance with Council policy and having regard to the circumstances of each case;
- (h) authorise reimbursement for the installation and rental charges in respect of telephones at private residences where staff are subject to contact in cases of emergency or where private telephones are used for business reasons;

- (i) vary job titles and job descriptions;
- (j) authorise pay in lieu of holidays (in exceptional circumstances);
- (k) terminate the employment of staff for any lawful reason, in consultation with the Director of Governance.
- (l) take decisions relating to the employment of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of service and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to executive functions

2.3.3.4 Senior Officers from departments other than where the employee was employed should hear the appeal.

2.3.3.5 The Chief Executive is authorised to grade all posts other than Chief Executive, Directors, Heads of Service, Teachers, Crafts employees and posts covered by Soulbury Scales, in accordance with the Council's agreed Job Evaluation Scheme with the aim of recruiting and retaining high quality employees.

2.3.3.6 The Chief Executive to exercise personal responsibility for delegations to officers in relation to non-executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff.

2.3.3.7 Directors may determine matters relating to training and development, leave, temporary (including agency) and overlapping appointments and minor variations to the relocation scheme for new employees, within agreed cash limits and in accordance with approved Council policies, consulting the Director of Governance where appropriate.

2.3.3.8 The relevant Director, in consultation with the Corporate Director Resources, is authorised to consider and determine:-

- (a) any redundancy within the Council's redundancy policy;
- (b) premature retirement on the grounds of ill-health;
- (c) premature retirement in the interests of the service.

- 2.3.3.9 Directors, in consultation with the Director of Governance and the Chairman of the Committee, may authorise the extension of an employee's contract beyond retirement age for a maximum period of 6 months.
- 2.3.3.10 The Corporate Director Resources and Director of Governance are authorised following agreement by the relevant Director to approve, complete and transfer agreements relating to car loans including those which do not fall within Council policy, subject in these cases to consultation with the Director of Governance.
- 2.3.3.11 The Director of Governance is authorised to implement agreed employee policies.
- 2.3.3.12 The Chief Executive and Directors respectively in consultation with the relevant portfolio holder and the Director of Governance are authorised to update and amend the job descriptions and person specifications of Directors and Heads of Service/Assistant Directors.

2.4 Peterborough Corporate Parenting Committee

2.4.1 It is advised that Members undertake relevant training within the past three years in order to hold a seat on this committee.

2.4.2 TERMS OF REFERENCE

2.4.2.1 OUR COMMITMENT TO CHILDREN AND YOUNG PEOPLE IN CARE:

2.4.2.1 Peterborough City Council is committed to raising the quality of life of everyone living within the city. For children in particular, the city council aims to provide high quality opportunities for learning and ensure children are healthy and safe. It is important that the Corporate Parenting Committee members ensure that the Council provides such care, education and opportunities that the Committee would be afforded to their own children.

2.4.3 PURPOSE:

2.4.3.1 To ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers and holds partners to account for the discharge of their responsibilities.

2.4.3.2 On behalf of the Council and partners of the Local Authority to ensure that all services directly provided for children and young people in care and care leavers are scrutinised to deliver to a high standard and to all statutory requirements.

2.4.3.3 To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement between children in care and their peers.

2.4.3.4 To ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers and holds partners to account for the discharge of their responsibilities.

2.4.3.5 To ensure that all elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and respond accordingly within their particular remit.

2.4.4 FUNCTIONS OF THE COMMITTEE:

2.4.4.1 To act as advocates for looked after children and care leavers.

2.4.4.2 To receive statutory reports in relation to the adoption, fostering, commissioning, looked after children services and children's homes with a view to recommending any changes.

2.4.4.3 Ensure that the needs of looked after children and care leavers are addressed through key plans, policies and strategies throughout the Council overseeing interagency working arrangements.

2.4.4.4 Review complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.

2.4.4.5 Raise awareness in Peterborough City Council and the wider community by promoting the role of members as corporate parents and the Council as a large corporate family with key responsibilities.

2.4.4.6 To monitor the quality of care delivered by the City Council and review the performance of outcomes for children and young people in care.

- (a) Raise the profile of the needs of looked after children and care leavers through a range of actions including through the organising of celebratory events for the recognition of achievement.
- (b) Ensure that leisure, cultural, further education and employment opportunities are offered and taken up by our looked after children and care leavers.
- (c) Promote the development of participation and ensure that the view of children and young people are regularly heard through the Corporate Parenting Committee to improve educational, health and social outcomes to raise aspiration and attainments.
- (d) Hold meetings with children and young people in care, frontline staff and foster carers to inform the committee of the standards of care and improvement outcomes for looked after children.
- (e) Monitor the ongoing commitment to providing support, training and clarity of expectations to foster carers to achieve excellent and high quality care.
- (f) To appoint elected members as Champions for Children in Care, with the roles being decided and approved by the Committee at the first formal meeting of the municipal year.

2.4.5 WORK PROGRAMME

2.4.5.1 The corporate parenting committee will formally agree a skeleton work programme annually which will be reviewed at each formal meeting. In reviewing the work programme, the committee may agree to request reports on particular matters of their own preference or as advised by the lead officer.

2.4.6.2 PERFORMANCE MONITORING

2.4.6.3. The Corporate Parenting Committee will scrutinise and monitor outcomes for children in care and care leavers. To this end, the Committee will develop and agree a core data set which it wishes to receive at each Committee meeting. Additional detailed monitoring reports will be presented in accordance with the agreed work programme on the following key aspects of care:

- (a) Placement stability
- (b) Independent child care reviews
- (c) The performance of all care standards regulated services
- (d) Adoption and adoption support
- (e) Fostering
- (f) Children's homes
- (g) Service to care leavers, including accommodation, education, employment and training
- (h) The health needs of children in care
- (i) Educational attainment of children in care

2.4.6.4 The Corporate Parenting Committee will report to the Cabinet Member for Children's Services and to the Scrutiny Committee on an annual basis or more frequently if required.

2.4.7 Membership of the Committee

2.4.7.1 There will be a standing membership of the Corporate Parenting Committee to provide continuity and consistency. Councillors outside the standing membership will be invited to discuss issues and raise questions within a standing agenda item.

2.4.7.2 The membership of the Corporate Parenting Committee must include the Cabinet Member with the responsibility for Children's Services.

2.4.7.3 All Councillors are invited to attend the informal meetings. The Committee may also co-opt non-voting members. Membership may include up to four foster carers and representatives from the Children in Care Council. The Committee may invite participation from non-members where this is relevant to their work.

2.4.8 Children in Care Council

2.4.8.1 Representatives from the Children in Care Council may attend the Corporate Parenting Committee up until and no later than 8pm.

Licensing Committee

2.5.1 It is advised that Members undertake relevant training within the past year in order to hold a seat on this committee.

2.5.2 Terms of reference

2.5.2.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.

2.5.2.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.5.3.

2.5.2.3 To exercise the functions of the authority as listed in Schedule 2.5.5, where these are not delegated to officers as listed at section 2.5.4, namely:-

- (a) hackney carriage and private hire vehicle licensing
- (b) licensing marriage and entertainment
- (c) licensing shops and food premises
- (d) safety issues (sports grounds, and Health and Safety at Work Act)
- (e) licensing premises associated with live animals in accordance with regulations under the Animal Welfare Act 2006 or other applicable legislation
- (f) approval and enforcement duties relating to premises associated with dead animals and food production
- (g) employment related licensing functions
- (h) Betting, gaming, lotteries and charity collections
- (i) Licences for alcohol and entertainment etc
- (j) issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments
- (k) Licences for scrap metal dealers

2.5.2.4 To consider and determine all applications in relation to the functions in Schedule 2.5.5, where:

- (a) they are not delegated to Officers;
- (b) the Officer with delegated authority refers the application to the Committee.

2.5.2.5 To consider whether or not to:

- (a) suspend, and/or
- (b) revoke, and/or
- (c) refuse to renew, and/or
- (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
 - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

2.5.2.6 To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council.

2.5.2.7 On recommendation by the Licensing Committee all statutory policies within the Licensing Committee's remit must go to Full Council for formal adoption. This includes any modifications, amendments to those policies.

2.5.2.8 On recommendation by the Licensing Committee all non-statutory policies must be submitted either to Full Council or Cabinet for formal adoption. Thereafter, any minor amendments or modifications, can be adopted by the Licensing Committee.

2.5.2.9 There is no power to suspend and call in any Licensing Committee decisions to Council for determination.

2.5.3 Delegations to Sub-Committees

2.5.3.1 To undertake and perform all of the statutory duties and functions required of local authorities under the Licensing Act 2003 as follows:

- (a) application for a Personal License if there is a Police objection
- (b) application for a Personal License with unspent convictions in all cases
- (c) application for Premises License/Club Premises Certificate if a relevant representation is made
- (d) application for a provisional statement, if a relevant representation is made
- (e) application to vary Premises Licence/Club Premises Certificate if a relevant representation is made
- (f) application to vary the Designated Premises Supervisor if there is a Police objection
- (g) application for transfer of a Premises Licence if there is a Police objection
- (h) application for interim authorities if there is a Police objection
- (i) application to review a Premises Licence/Club Premises Certificate in all cases
- (j) decision to object when the Local Authority is a consultee and not the relevant authority considering the application
- (k) determination of a Temporary Event Notice where objections have been received from relevant persons
- (l) in the event of all relevant representations concerning an application being withdrawn, the application is delegated to officers as per 2.5.4 below
- (m) decision to revoke or suspend (up to 6 months) personal licenses where a personal licence holder (licensed by this authority) has been convicted of a relevant or foreign offence or an immigration offence or penalty

2.5.3.2 To undertake and perform all of the statutory duties and functions proposed for local authorities under the Gambling Act 2005 as follows:

- (a) application for a premises license where representations have been received and not withdrawn;
- (b) application for a variation to a licence where representations have been received and not withdrawn;
- (c) application for a transfer of a licence where representations have been received from the Commission;
- (d) application for a provisional statement where representations have been received and not withdrawn;

- (e) review of a premise licence;
- (f) application for a club gaming/club machine permit where objections have been made and not withdrawn;
- (g) cancellation of a club gaming/club machine permit;
- (h) decision to give counter notice to temporary use notice.

2.5.4 Delegations to officers

2.5.4.1 The Executive Director: Place and Economy is authorised:

- (a) to set fees, issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;
- (b) to approve advertising in or on purpose-built Hackney Carriage and Private Hire vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee;
- (c) to set fees, issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.
- (d) to set the fees under the Gambling Act 2005 in consultation with the Chairman of the Licensing Committee
- (e) to determine Street Collection Permits; including those for special Christmas collections;
- (f) to determine house-to-house collection licences;
- (g) to determine house-to-house Christmas Carol Float permits;
- (h) to deal with the following registrations:
 - (i) Ear piercing, acupuncture, electrolysis and tattooing;
 - (ii) Food premises;
- (i) to issue/renew/amend/suspend/revoke the following licences:
 - (i) Hiring out horses;
 - (ii) Keeping of dangerous wild animals;
 - (iii) Selling animals as pets;
 - (iv) Breeding dogs;

- (v) Providing or arranging for the provision of boarding for cats or dogs;
- (vi) Zoos.
- (j) to issue, amend, revoke or refuse street trading consents boroughwide and including the use of the city centre pedestrian area, including those for:-
 - (i) annual food/commercial concessions; and
 - (ii) the Christmas street festival;
- (k) to prepare, amend, vary, attach and adopt as necessary, standard and other conditions to all licences, registrations and consents. The Corporate Director Resources will incorporate any special conditions requested or determined by Licensing Committee;
- (l) to consider and determine applications for certificates under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- (m) to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- (n) to take appropriate action and issue all notices (including notices of entry) under the Health and Safety at Work, etc Act 1974;
- (o) to take all necessary action under the Scrap Metal Dealers Act 2013 except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee.
- (p) to exercise all the functions conferred by the Acts, Orders and Regulations set out below or any Act, Order or Regulation which extends or amends them or any Order, Instrument, Regulation or Byelaw made under them:
 - (i) Celluloid and Cinematographic Films Act 1922 – fire safety and storage provisions relating to celluloid film kept on premises;
 - (ii) Explosives Acts 1875 and 1923 – storage conditions and licensing for explosives;
 - (iii) Nurses Agencies Act 1957 – licensing and regulation of Nurses Agencies;
 - (iv) Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – keeping or training for exhibition;
 - (v) Poisons Act 1972 – registration of sellers of some categories of poisons;
 - (vi) Criminal Justice and Police Act 2001.
- (q) to issue game dealers' licences;
- (r) under the Licensing Act 2003:
 - (i) to consider Applications for a Personal License if no objection is made

- (ii) to consider Applications for a Premises Licence/Club Premises Certificate if no relevant representation is made
 - (iii) to consider Applications for a provisional statement if no relevant representation is made
 - (iv) to consider Applications to vary Premises Licence/Club Premises Certificate if no relevant representation is made
 - (v) to consider Applications to vary the designated premises supervisor if there is no Police objection
 - (vi) to request to be removed as Designated Premises Supervisor in all cases
 - (vii) to consider Applications for transfer of Premises Licence if there is no Police objection
 - (viii) to consider Applications for interim authorities if there is no Police objection
 - (ix) to decide on whether a complaint is irrelevant, frivolous or vexatious in all cases
 - (x) to determine the suitability of films to be shown to particular age groups and licensing of premises showing films;
 - (xii) to license theatre premises in accordance with the Licensing Act 2003
 - (xiii) to issue, amend, suspend or refuse licenses under the Licensing Act 2003
 - (xiv) to take decisions in respect of applications for a minor variation to a premises/club premises certificate in all cases; and to take decisions relating to applications for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied if there is no police objection
 - (xv) issue Closure Notices to premises operating in breach of their licensing conditions and apply for an Order to close the premises should the illegal behaviour continue.
- (s) under the Gambling Act 2005
- (i) to set the fees when appropriate following consultation with the Chair of the Committee
 - (ii) to consider applications for premises licenses where no representations have been received or representations have been withdrawn;
 - (iii) to consider applications for a variation of a license where no representations have been received or representations have been withdrawn;

- (iv) to consider applications for a transfer of a licence where no representations have been received
 - (v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn
 - (vi) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;
 - (vii) to consider applications for other permits under the Act;
 - (viii) to cancel licensed premises gaming machine permits as appropriate;
 - (ix) to consider temporary use notices as appropriate
 - (x) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005
 - (xi) to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act
 - (xii) to exchange information under Section 350 of the Act
 - (xiii) to have a statement of principles for Unlicensed Family Entertainment Centres.
 - (xiv) to have a statement of principles for Prize Gaming.
- (t) To issue/renew/transfer and add conditions in relation to sex establishment licences where no representations have been received or representations have been withdrawn.
- (u) Determine variation applications in relation to sex establishments, in consultation with the Chairman of the Licensing Committee.
- (v) To grant or refuse and attach conditions to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions.

2.5.4.2 The Executive Director: Place and Economy in consultation with the Chair of the Licensing Committee, is authorised to:

Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).

2.5.4.3 The Executive Director: Place and Economy is authorised:

- (a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to

bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;

- (b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.

2.5.4.4 The Executive Director: Place and Economy is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

2.5.5 Schedule of relevant functions – Licensing Committee

2.5.5.1 Hackney carriage and private hire licensing

Function	Relevant legislation
Licensing hackney carriages and private hire vehicles	<p>HACKNEY CARRIAGES</p> <p>Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by Public Health Act 1875 (38 & 39 Vict. C.55), Section 171 and Transport Act 1985 (c.67) Section 15; and</p> <p>Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60, 70 and 79.</p> <p>PRIVATE HIRE VEHICLES</p> <p>Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.</p>
Licensing drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61, 70 and 79
Licensing operators of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62, 70 and 79

2.5.5.2 Licences for Marriage and Entertainment

Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil
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	Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Licensing sex shops and sex cinemas	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85.
Licensing performances of hypnotism	The Hypnotism Act 1952 (c.46), Section 1 as amended by Licensing Act 2003 (c.17) paragraph 198 and Schedule 6, paragraphs 25 – 27
Licensing pleasure boats and pleasure vessels	Public Health Acts Amendment Act 1907 (c.53), s.94 as amended by Local Government Act 1974 (c.7) Schedule 6 Para 1 and Local Government (Miscellaneous Provisions) Act 1976 (c.57), Section 18 and Local Government, Planning and Land Act 1980 (c.65), s186 as substituted by ; Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187), Section 94(8)

2.5.5.3 Licensing of shops and food premises

Licensing premises for acupuncture, tattooing, ear-piercing and electrolysis	Local Government (Miscellaneous Provisions) Act 1982, Sections 13 – 17
Licensing market and street trading	Local Government (Miscellaneous Provisions) Act 1982, Part III of, and Schedule 4
Duty to keep a list of persons entitled to sell non-medicinal poisons	Poisons Act 1972 (c.66), Sections 3(1)(b)(ii), 5, 6 and 11 as amended by Local Government, Planning and Land Act 1980, Schedule 6 Para 13(1)

Licensing dealers in game and the killing and selling of game	Game Act 1831 (c.32), Sections 5-6, 17-18, 21-23 and Game Licensing Act 1860 (c.90), Sections 2-16; and Customs and Inland Revenue Act 1883 (c.10), Section 4; Sections 12(3) and 27 Local Government Act 1874 (c.73); Section 213 Local Government Act 1972 (c.70)
Registering and licensing premises for the preparation of food	Section 19 Food Safety Act 1990 (c.16)

2.5.5.4 Safety functions (sports grounds and Health and Safety at Work)

Issuing, amending or replacing safety certificates (general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c.52), as amended by Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part II and Schedule 2
Issuing, cancelling, amending or replacing safety certificates for regulated stands at sports grounds	Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part III
Sanctioning use of parts of buildings for storage of celluloid	Celluloid and Cinematographic Film Act 1922 (c.1935), Section 1 – 4
Health and Safety at Work Act functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the 1974 Act [not including the authority’s discharge of these functions in relation to its own employees, which is an executive responsibility]	Health and Safety at Work, etc Act 1974 (c.37), Part I [For “relevant statutory provisions” see the various definitions in Sections 53(1) and 15(1) of the Act, the latter section having been substituted by Employment Protection Act 1975 (c.71), Schedule 15 Para 5]

2.5.5.5 Licensing associated with live animals

Licensing premises for the breeding of dogs	Animal Welfare (Licensing of Activities) (England) 2008
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<p>Licensing pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business</p>	<p>Pet Animals Act 1951 (c.35), Section 1 as amended by Local Government Act 1974 Schedules 6 and 8</p> <p>Animal Boarding Establishments Act 1963 (c.43), Section 1 as amended by Local Government Act 1974, Schedule 6 Para 17 and Protection of Animals (Amendment) Act 1988 (c.29) Sections 3(2) and (3) and Schedule</p> <p>Riding Establishments Act 1964 (c.70) and 1970 (c.70) as amended by Local Government Act 1974, Section 35(1) and (2) and Schedule 6 Para 18 and Schedule Protection of Animals (Amendment) Act 1988, Sections 3(2) and (3)</p> <p>Breeding of Dogs Act 1973 (c.60), Section 1 as amended by Local Government Planning and Land Act 1980, Section 1(6), Schedule 6, Schedule 34 Para 15 and Protection of Animals (Amendment) Act 1988 Sections 3(2) and (3) and Schedule and Breeding and Sale of Dogs (Welfare) Act 1999, Sections 1 and 8</p> <p>Animal Welfare (Licensing of Activities) (England) 2008</p>
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<p>Registering animal training and exhibitors</p>	<p>Performing Animals (Regulation) Act 1925 (c.38), Section 1 as amended by Local Government Act 1974, Sections 35(1) and (2), Schedule 6 Para 2(1) and Schedule 8</p>
<p>Licensing zoos</p>	<p>Zoo Licensing Act 1981 (c.37), Section 1 as amended by Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 (SI 2002, No. 3080), Regulations 3 and 4 and Local Government (Wales) Act 1994, s.66(6) and (8) and Schedule 16, and Schedule 18, paragraph 62(2)</p>
<p>Licensing dangerous wild animals</p>	<p>Dangerous Wild Animals Act 1976 (c.38), Section 1</p>

Enforcing provisions for Record Keeping, Identification Marking and Movement relating to pigs	The Pigs (Records, Identification and Movement) Order 2003 (SI 2003, No. 2632), Section 27.
Enforcing provisions for Record Keeping, Identification and Movement of Cattle	The Cattle Identification Regulations 2007 (SI 2007, No.: 529) as amended by The Cattle Identification (Amendment) Regulations 2007 (SI2007, No. 1046)
Enforcing provisions for Record Keeping, Identification and Movement of Sheep and Goats	The Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (SI 2005 No.: 3100) and The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006 (SI 2006, No.: 2987)

2.5.5.6 Approval and Enforcement of duties relating to premises associated with dead animals and food production

Licensing knackers' yards	Section 4 Slaughterhouses Act 1974 (and see also Animal By-Products Order 1999, SI 1999/646)
Enforcing requirements in relation to any food business premises as to e.g. hygiene, HACPP principles and registration as well as approving the food business premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No 14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunction with 2004/852/EC

Enforcing requirements in relation to any relevant food business operators (dealing with e.g. meat, minced meat, eggs, dairy and fish products) as to e.g. hygiene, HACPP principles, identification marking, slaughtering and preparation, transport and storage etc as well as approving the premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No.14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunctions with 2004/852/EC and 2004/853/EC
Duty to keep a register of food premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)
Registering food business premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)

2.5.5.7 Employment related licensing functions

Licensing the employment of children	Part II Children and Young Persons Act 1933 (c.33); Byelaws made under that Part; Part II Children and Young Persons Act 1963 (c.37)
Licensing agencies to supply nurses	Section 2 Nurses Agencies Act 1957 (c.16)

2.5.5.8 Licences for Alcohol and Entertainment etc

Issuing cinema and cinema club licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(h) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) and 4 (Club License – if applicable) <i>(as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i> N.B.: Licensing Act 2003 (c.17), Section 20 <i>(as to mandatory conditions to be attached to Premise Licence for the Exhibition of Films)</i>
Issuing theatre licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise License under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 <i>(as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i>
Issuing and Enforcing Licenses for Alcohol and Entertainment etc	Licensing Act 2003 (c.17), as amended by the Business and Planning Act 2020, Part 3 (Premise Licence), Part 4 (Club Licence), Part 5 (Permitted Temporary Activities) and Part 6 (Personal Licences) N.B. Mandatory and prohibitory conditions to be applied to any Licence granted under Parts 3, 4 and 6.

Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Issuing and Enforcing Licences for sex shops, sex cinemas and sexual entertainment venues	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85 and by Section 27 of the Policing and Crime Act 2009 (c.26).

2.5.5.9 Licensing of Food Premises

Licensing night cafes and take-away food shops	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003)</i> Licensing Act 2003 (c.17), Part 3 (Premise Licence) <i>(as to the grant, variation, transfer and review of Premise Licences under the Licensing Act 2003)</i>
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2.5.5.10 Gambling

Issuing, registering and enforcing Premise Licenses	Gambling Act 2005 (c.19), Part 8 and Part 18, Section 346
Acknowledging or determining, registering and enforcing Temporary Use Notices	Gambling Act 2005 (c.19), Part 9 and Part 18, Section 346
Issuing and enforcing Family Entertainment Centre Gaming Machine Permits	Gambling Act 2005 (c.19), Part 10, Section 247, Part 18, Section 346 and Schedule 10
Issuing and cancelling/forfeiting Club Machine Permits and Club Gaming Permits	Gambling Act 2005 (c.19), Part 12, Sections 271 – 274 and Schedule 12
Issuing and cancelling/forfeiting Licensed Premises Gaming Machine Permits	Gambling Act 2005 (c.19), Part 18, Section 346 and Schedule 13

Issuing, enforcing and registering Prize Gaming Permits	Gambling Act 2005 (c.19), Part 13, Part 18, Section 346 and Schedule 14
Registration revocation and enforcement of Small Society Lotteries	Gambling Act 2005 (c.19), Part 11, Part 18, Section 346 and Schedule 11, Part 5
Assessment of Compliance through inspection and enforcement of breaches	Gambling Act 2005 (c.19), Part 15 and Part 18, Section 346
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)."

2.5.5.11 Scrap Metal Dealers

Licensing of Scrap Metal Dealers	Section 2 and Section 4 and Section 9 of the Scrap Metal Dealers Act 2013 (c10)
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2.6 Planning and Environmental Protection Committee

2.6.1 It is advised that Members undertake relevant training within the past year in order to hold a seat on this committee.

2.6.2 Terms of reference

2.6.2.1 To exercise the functions of the Council as listed in Schedule 2.6.7, where these are not delegated to officers as listed at section 2.6.6.

2.6.2.2 In respect of functions listed in Schedule 2.6.7, to determine an application, or to decide upon or vary appropriate conditions, limitations, terms or other restrictions upon any approval, consent, licence, permission or registration granted, or discontinuance or revocation order in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) an application has been referred to the Committee by a Member or a Parish Council from the weekly press list on proper planning grounds, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation (this does not apply to any prior notification type application). All referrals by a Member or a Parish Council must also provide a reason for the referral based on relevant material planning grounds. Referrals made without an accompanying reason will not be valid. Members who have made a referral to the Committee are expected to attend the Committee meeting at which the matter is discussed, where possible, or submit a written supporting statement.”
- (c) the officer’s proposed course of action falls outside the Council’s agreed policies and criteria;
- (d) any planning application recommended for approval does not accord in a material way with the Development Plan;
- (e) a planning application relates to an exceptionally large scale development, or a major development which does not accord with the Development Plan;
- (f) a proposed Tree Preservation Order has unresolved objections to it.

None of (a) – (f) above shall prevent an officer determining one of these matters in cases of urgency, provided that the action taken is reported to the next Committee meeting.

2.6.2.3 In respect of issues governed by the list of functions at Schedule 2.6.6, to determine whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration granted by the Council in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) a member refers it to the Committee on proper planning grounds;
- (c) the issue falls outside the Council's agreed policies and criteria;

None of (a) – (c) above shall prevent an officer taking enforcement action in cases of urgency which warrant the service of a Stop Notice and/or injunction, subject to the consent of the Director of Governance provided that the action taken is reported to the next Committee meeting.

2.6.2.4 To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers.

2.6.2.5 To be consulted by, and comment on, the Executive's draft proposals for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), and the Statement of Community Involvement (SCI) at each formal stage in preparation.

2.6.2.6 To assess and review the performance of the services which fall within the terms of reference of the Committee.

2.6.2.7 To transfer enforcement functions to another enforcement authority under Smoke-free (Premises and Enforcement) Regulations 2006.

2.6.3 Call in of Decisions Made by the Committee

2.6.3.1 Applications determined by the Planning and Environmental Protection Committee can be called in to the Appeals and Planning Review Committee (*see Appeals and Planning Review Committee Terms of Reference for procedure para. 2.1*).

2.6.4 Planning Call-In Procedure

- 2.6.4.1 This paragraph only applies to a determination of planning application decisions made by the Planning and Environmental Protection Committee.
- 2.6.4.2 If the Planning and Environmental Protection Committee makes a determination as set out in paragraph 2.6.3.1 above, 30% of the Members present at the meeting where the resolution was passed can ask the Chief Executive that it be reported to a special meeting of the Appeals and Planning Review Committee.
- 2.6.4.3 The right under the paragraph above must be carried out within two working days of the end of the meeting by the submission of a planning call-in notice.
- 2.6.4.4 Signatories of a planning call-in notice or their group representatives can withdraw a planning call-in notice by notifying the Chief Executive in writing. If the planning call-in notice has been withdrawn, the original Committee decision takes effect.
- 2.6.4.5 The request to call-in a decision must be made in writing or electronically, using the agreed form. The form must:
- (a) set out the planning application decision that the Members wish to call in;
 - (b) give the reasons why the Appeals and Planning Review Committee reconsider the decision. These must include either the incorrect application of procedure during the application process, or the relevant material planning considerations not being taken into account;
 - (c) be signed and dated by 30% of the Members present at the meeting where the resolution was passed.
- 2.6.4.6 Determination of whether a request to call-in a decision is valid or not, in accordance with the above criteria, will be determined by the Executive Director Place and Economy, in conjunction with the Monitoring Officer.
- 2.6.4.7 The procedure of an Appeals and Planning Review Committee will follow the same format as a Planning and Environmental Protection Committee, including the Speaking Scheme. An application that is called-in will be reconsidered by the Appeals and Planning Review Committee in its entirety.

2.6.5 **Planning Speaking Scheme as Agreed by the Committee**

2.6.5.1 Members of the public can speak at meetings of the Planning and Environmental Protection Committee which is considering any planning application (including those referred to the Appeals and Planning Review Committee).

(a) Any Ward Councillor, Parish Council (or other groups defined in local planning policy as operating in a manner similar to a Parish Council) representative or member of the public who wish to address the Committee on any planning application or any consultation item referred from another local authority, must register with the Chief Executive by 12 noon Friday before the meeting.

(b) The following procedure will apply for each item.

- (i) Officers will introduce the item;
- (ii) Representations by Ward Councillors and the Parish Council representative;
- (iii) Members questions to the Ward Councillors and Parish Council representative;
- (iv) Objectors' representations;
- (v) Members' questions to objectors;
- (vi) Representations by the applicant, agent and any supporters;
- (vii) Members' questions to the applicant, agent and any supporters;
- (viii) Officers' comments;
- (ix) Members will debate the application and get advice from officers where appropriate;
- (x) Members will reach a decision.

2.6.5.2 The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances:-

- (a) Objectors;
- (b) Applicant or agent and their supporters.

2.6.5.3 If more than one objector or supporter wants to speak, the Chairman may ask the supporters and objectors to appoint a spokesperson to represent their views.

The total time allowed for speeches from Ward Councillors and Parish Council representatives will not be more than ten minutes in total unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

MPs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact should be submitted to the Committee. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

2.6.5.4 The Chairman may:

- (a) Suspend the public's right to speak if he or she considers it necessary to maintain order at the meeting: or
- (b) Vary the order of representations if he or she feels that it is convenient and will assist the Committee in dealing with the matter provided it will not cause any prejudice to the parties concerned.

In lieu of speaking, Ward Councillors, Parish Council representatives and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee in an update report and circulated on the day of the meeting.

If a Ward Councillor is unable to attend the Committee and submits representations in writing such representations may be read out at the Committee provided that the written representations are no more than 300 words and provided that there is sufficient time following speeches from Ward Councillors present at the Committee (i.e. within the 10 minute time allowed for speeches from Ward Councillors and Parish Council Representatives).

2.6.6 Delegations to officers

2.6.6.1 The Executive Director Place and Economy is authorised to deal with the following matters after consultation with the Chairman of the Committee and notification to (i) the Vice-Chairman, (ii) the representatives of the other political groups on the Committee of which the Chairman and Vice-Chairman are not members, (iii) relevant ward councillors, and no relevant planning objection being raised by them within 48 hours:

- (a) All planning applications not delegated to Officers and not reserved to the Committee;
- (b) the designation, revocation, variation and modification of a Tree Preservation Order which has been opposed;
- (c) Hazardous Substances Consents;

- (d) Applications made by the Council under Regulation 3 of the Town and Country Planning General Regulations 1992 in cases which the Executive Director Place and Economy –would be authorised to determine if they were private applications;
- (e) All enforcement matters, where a breach reported by a member of the public is recommended for “no further action” and where consideration is not referred to the Committee.

If an objection is received the application will be determined by the Committee.

2.6.6.2 The Executive Director Place and Economy is authorised to determine all planning applications, applications to carry out work on Protected Trees, and applications for advertisement consent, listed building consent and conservation area consent, except an application:

- (a) contrary to the provisions of an approved or draft Development Plan and which is recommended for approval;
- (b) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (c) which raises an issue of significance which is not covered by specific Council policies, standards or guidance
- (d) which has been referred to the Committee by a Member or a Parish Council from the weekly press list within 28 days, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation;
- (e) which, in the opinion of the Head of Planning, Transport and Engineering Services is potentially controversial, likely to be of significant public interest or would have a significant impact on the environment;
- (f) known to be submitted by or on behalf of a Councillor, Director or Head of Service of the authority (or their spouse/partner);
- (g) which the Executive Director Place and Economy considers should be presented to the Planning and Environmental Protection Committee for determination.

2.6.6.3 The Executive Director Place and Economy is authorised to deal with the following matters subject to there being no prior referral by a Member or a Parish Council to the Planning and Environmental Protection Committee as set out in its terms of reference;

Note: From time to time the Executive Director Place and Economy may authorise in writing other competent officers of the authority to exercise specific delegated functions. The Executive Director Place and Economy may also refer any of the

matters listed below to the Planning and Environmental Protection Committee for determination.

- (a) the details of all Planning Obligations,
- (b) all prior notification applications relating to agricultural, telecommunication, changes of use and householder extensions;
- (c) all planning and enforcement matters relating to Conservation (including emergency* Article 4 Directions) Hedgerows and Tree Preservation Orders and proposed Emergency* Tree Preservation Orders which includes designation, revocation, variation, modification, and confirmation, except;
 - (i) the designation or modification of a Conservation Area (Cabinet Member for Growth, Planning, Housing and Economic Development)
 - (ii) any which the Executive Director Place and Economy considers should be determined by the Planning and Environmental Protection Committee.

NB *Emergency – when there is an immediate threat that a building or tree is going to be felled/demolished or pruned/modified in ways that would have a significant impact on the character or amenity of an area.

- (d) all enforcement matters including instructing the Director of Governance to consider the initiations of prosecutions in accordance with the Council's enforcement procedures except where;
 - (i) a significant breach reported by a member of the public or where there is significant public interest in the matter, is recommended for no further action;
 - (ii) the Executive Director Place and Economy considers a breach should be reported to the Planning and Environmental Protection Committee for decision;
- (e) Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990;

NB The agreement of the Director of Governance shall be required to authorise the issue of an Enforcement Notice, Breach of Condition Notice, Section 215 Notice, Notices under Section 3 of the Planning (Listed Buildings and Conservation Area) 1990. The Director of Governance shall be responsible for the initiation of any criminal or civil proceedings he considers necessary including the seeking of an injunction. He shall be responsible for arranging the discharge of all legal work and advice arising from all enforcement action including ensuring that the Council is properly represented in Court.

- (f) to respond to consultations from:

- (i) government bodies, other authorities or from other agencies on planning, footpath or similar matters;
 - (ii) Area Traffic Commissioners with observations on applications for goods vehicle licences except where the Head of Development and Construction is of the opinion that the matter should be considered by the Committee.
- (g) matters relating to overhead power lines and applications under prior approval of telecommunications procedures;
- (h) Other powers:
- (i) determination and issue of Certificates of Alternative Development;
 - (ii) determination and issue of certificates of Lawful Use or Development following consultation with the Director of Governance as to the adequacy of the evidence in all cases where the evidence is either doubtful or complex;
 - (iii) to exercise all the relevant functions listed in schedule 2.6.5 in respect of public unmetalled footpaths, bridleways and byways open to all traffic;
 - (iv) authority to proceed with the stopping up of a public right of way required in connection with development where planning permission has been granted and appropriate publicity has been undertaken including instructing the Director of Governance to make the appropriate Order under the Town and Country Planning Act 1990;
 - (v) authority to instruct the Director of Governance to make orders under Sections 257 or 258 of the Town and Country Planning Act 1990 in respect of the creation, diversion and/or extinguishment of public rights of way with any orders being confirmed where there are no unresolved objections;
 - (vi) to determine, subject to no outstanding objections, applications for Definitive Map Modification Orders under the Wildlife and Countryside Act 1981. To publish Modification Orders to the Definitive Map and Statement, and to authorise the creation, extinguishment and diversion orders for public footpaths, bridleways and byways open to all traffic under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Director of Governance to make such Orders. (NB - the Executive Director Place and Economy is also authorised to modify rights of way, at paragraph 2.6.4.6 (f) below);
 - (vii) the service of notices under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 requiring urgent work to preserve unoccupied listed buildings;
 - (viii) the giving of screening and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999.

- (ix) the making of Listed Building and conservation grants within approved budget;
- (x) identifying applications representing departures from the Development Plan;
- (xi) to maintain Public Registers under the legislation for which s/he is responsible, including registers of rights of way;
- (xii) to act as Appointing Officer under Section 10(8) of the Party Wall etc. Act 1996.
- (xiii) the right to enter land under the legislation governing the functions for which s/he is responsible;
- (xiv) applications made under the Licensing Act 2003 and the making of any representations to the courts;
- (xv) the discharge of conditions imposed on planning and related permissions, where those conditions have been complied with;
- (xvi) to determine applications to develop land without compliance with conditions previously attached;
- (xvii) to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights;
- (xviii) to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers;
- (xix) to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980;
- (xx) to authorise stopping up or diversion of highway;
- (xxi) relating to complaints about high hedges;
- (xxii) to enforce offences relating to the display of no-smoking signs;
- (xxiii) to enforce offences relating to smoking in smoke-free places;
- (xxiv) to enforce offence of failing to prevent smoking in smoke-free places.

2.6.6.4 The Executive Director Place and Economy is authorised to determine:

- (a) applications under Prior Approval of Telecommunications Procedures; and
- (b) those under delegation 2.6.6.3 (b) and 2.6.6.3 (f);

in consultation with the Chairman or, if not available or inappropriate, the Vice Chairman of the Committee, where a Member or a Parish Council has exercised

their power to refer an application to the Committee but there is no scheduled meeting of the Committee within the time period for response.

2.6.6.5 Authorised Signatories

- (a) Planning Decision or Building Control Notices determined by Committee - the Executive Director Place and Economy
- (b) Notices and directions following determination by Committee, under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification - the Executive Director Place and Economy

2.6.6.6 The Executive Director Place and Economy is authorised:

- (a) to issue licences for hoardings and scaffolding within the highway;
- (b) to issue licences for the placing of skips within the highway;
- (c) to exercise the non-executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority, including the serving of Notices as contained in the Highways Act 1980
- (d) to create, extinguish and divert footpaths under the Highways Act 1980;
- (e) to enter land under the legislation governing the functions for which s/he is responsible;
- (f) to modify rights of way, in line with para 2.6.4.6 (d) above.

2.6.6.7 The Executive Director Place and Economy is authorised:

- (a) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.6;
- (b) To take appropriate action and issue all notices (including notices of entry) under the following legislation: Control of Pollution Act 1974; Noise and Statutory Nuisance Act 1993.

2.6.6.8 The **Executive Director Place and Economy** is authorised to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local government (Miscellaneous Provisions) Act 1976.

- 2.6.6.9 The Executive Director: Place and Economy Cambridgeshire and Peterborough Councils is authorised to issue licences and ensure compliance with statutes relating to residential caravan sites, touring caravans and campsites, as listed in Schedule 2.6.5 (Section 3 Caravan Sites Control and Development Act 1960 and Section 269 Public Health Act 1936).
- 2.6.6.10 The Executive Director Place and Economy is authorised to set up and establish any Joint Planning and Environmental Protection Committee and to negotiate and determine the Terms of Reference of such Joint Planning and Environmental Protection Committees with neighbouring councils and local planning authorities, following consultation with the Director of Governance and Chairman of the Planning and Environmental Protection Committee.
- 2.6.6.11 The Executive Director Place and Economy is authorised to prepare and publish a Brownfield Land Register under The Town and Country Planning (Brownfield Land Register) Regulations 2017, except in those instances where a newly published Register would add or delete land from Part 2 of that Register.
- 2.6.6.12 The Executive Director Place and Economy is authorised to undertake all matters relating to Neighbourhood Planning, Neighbourhood Development Orders and Neighbourhood Plans, except for the ‘making’ (adoption) of such Orders and Plans. This authorisation extends to, but is not necessary limited by, the following:
- (a) The designation of neighbourhood areas and neighbourhood forums
 - (b) Providing comments on behalf of the Council to consultations on draft plans or orders
 - (c) The appointment of an independent examiner for neighbourhood plans or orders
 - (d) Making decisions on behalf of the Council on whether a plan meets the basic conditions and should proceed to referendum, following the receipt of a report from the independent examiner, and publishing this decision
 - (e) Making decisions on the revocation, de-designation, or amendment to any neighbourhood area, forum, plan or order.

2.6.7 Schedule of relevant functions

2.6.7.1 Town and country planning and development control functions

Determination of applications for planning permission	Sections 70(1)(a) and (b) and 72 Town and Country Planning Act 1990 (c.8)
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Granting planning permission for development already carried out	Section 73A Town and Country Planning Act 1990 (ref. Schedule 7 para 8 Planning and Compensation Act 1991 (c.34).
Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
Declining to determine applications for planning permission	Section 70A Town and Country Planning Act 1990 (ref. Section 17 Planning and Compensation Act 1991)
Duties associated with determining planning applications	Sections 69, 76 and 92 Town and Country Planning Act 1990, Articles 8, 10 – 13, 15 – 22 and 25 – 26 Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
Determination of applications for planning permission by the local authority or jointly with another person	Section 316 Town and Country Planning Act 1990, Town and Country Planning General regulations 1992 (SI 1992/1492) (ref. Section 20 Planning and Compensation Act 1991 and SIs 1992/1982 and 1998/2800)
Entering into agreements regulating development or use of land	Section 106 Town and Country Planning Act 1990
Issuing certificates of existing or proposed lawful use or development	Sections 191(4) and 192(2) Town and Country Planning Act 1990 (ref. Section 10 Planning and Compensation Act 1991)
Serving completion notices	Section 94(2) Town and Country Planning Act 1990
Granting consent for the display of advertisements	Section 220 Town and Country Planning Act 1990, Town and Country Planning (Control of Adverts) Regulations 1992 (SI 1992/666)
Authorising entry onto land	Section 196A Town and Country Planning Act 1990 (ref. Section 11 Planning and Compensation Act 1991, and Sections 196A to C Town and Country Planning Act 1990)
Requiring a use of land to discontinue	Section 102 Town and Country Planning Act 1990

Revocation/amendment of Planning Permission	Section 97 Town and Country Planning Act 1990
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19,20, 21 to 24, 26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995
Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
Duties relating to applications for listed building consent and conservation area consent	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, Paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
Serving planning contravention, breach of condition or stop notices	Sections 171C, 187A and 183(1) Town and Country Planning Act 1990 (ref. Sections 1,2 and 9 Planning and Compensation Act 1991)
Issuing enforcement notices	Section 172 Town and Country Planning Act 1990 (ref. Section 5 Planning and Compensation Act 1991)
Applying for injunctions restraining a breach of planning control	Section 187B Town and Country Planning Act 1990 (ref. Section 3 Planning and Compensation Act 1991)
Determining applications for hazardous substances consent, and related powers	Sections 9(1) and 10 Planning (Hazardous Substances) Act 1990 (c.10)
Duty to determine conditions which may apply to old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites	Schedule 2 Para 2(6)(a) Planning and Compensation Act 1991, Schedule 13 Para 9(6) and Schedule 14 Para 6(5) Environment Act 1995 (c.25)
Requiring proper maintenance of land	Section 215(1) Town and Country Planning Act 1990
Determining applications for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)

Determining applications for conservation area consent	Sections 16(1) and 74(3) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9) (ref. Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regs 1990, SI 1990/1519)
Duties relating to applications for listed building and conservation area consent	Sections 13(1), 14(1) and 14(4) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, Regs 3 – 6 and 13 Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990, Paras 8, 15 and 22 DoE Circular 14/97
Serving building preservation notices, and related powers	Sections 3(1) and 4(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Issuing enforcement notices in relation to demolition of unlisted buildings in conservation areas	Section 38 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Acquiring listed buildings in need of repair, and serving repairs notices	Sections 47 – 48 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Applying for injunctions in relation to listed buildings	Section 44A Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (ref. Schedule 3 Para 7 Planning and Compensation Act 1991, c.34)
Executing urgent works	Section 54 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area)	Sections 61G, 61H and 61I of the Town and Country Planning Act 1990 (as amended by section 116 and Schedule 9 of the Localism Act 2011)
Designation of an organisation or body as a neighbourhood forum and withdrawal of an organisation or body's designation as a neighbourhood forum	Section 61F of the Town and Country Planning Act 1990 (as amended by section 116 and Schedule 9 of the Localism Act 2011)
Duties associated with 'Registers of Land', including a Brownfield Land Register	Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), section 14A ('Register of Land'), and associated The Town and Country

	Planning (Brownfield Land Register) Regulations 2017.
Duties associated with Neighbourhood Planning, Neighbourhood Development Orders and Neighbourhood Plans, except for 'making' (or adoption) of such Plans and Orders	The Town and Country Planning Act 1990; and the Planning and Compulsory Purchase Act 2004

2.6.7.2 Miscellaneous functions

Obtaining information as to interests in land	Section 330 Town & Country Planning Act 1990 (c.8)
Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976 (c.57)

2.6.7.3 Tree and hedgerow related functions

Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997/1160)
Powers relating to the preservation of trees	Sections 197 – 214D Town and Country Planning Act 1990, Trees Regulations 1999 (SI 1999/1892)
Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003

2.6.7.4 Highway and rights of way related functions

Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
Creating footpaths bridleways or restricted byways by agreement	Section 25 Highways Act 1980 (c.66)
Creating footpaths bridleways and restricted byways	Section 26 Highways Act 1980
Duty to keep a register of information with respect to maps, statements and declarations	Section 31A Highways Act 1980
Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers	Section 115E, 115F and 115K of the Highways Act 1980 and the Business and Planning Act 2020
Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 155G of the Highways Act 1980
Stopping up footpaths bridleways and restricted byways	Section 118 Highways Act 1980

Determining applications for public path extinguishments orders	Sections 118ZA and 118C(2) Highways Act 1980
Making rail crossing extinguishments orders	Section 118A Highways Act 1980
Making special extinguishments orders	Section 118B Highways Act 1980
Diverting footpaths bridleways and restricted byways	Section 119 Highways Act 1980
Making public path diversion orders	Sections 119ZA and 119C(4) Highways Act 1980
Making rail crossing diversion orders	Section 119A Highways Act 1980
Making special diversion orders	Section 119B Highways Act 1980
Requiring applicants for an order to enter into an agreement	119C(3) Highways Act 1980
Making an SSSI diversion order	Section 119D Highways Act 1980
Duty to keep a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1990	Section 121B Highways Act 1980
Declining to determine certain applications	Section 121C Highways Act 1980
Duty to assert and protect the rights of the public to use and enjoyment of public highways	Section 130 Highways Act 1980
Duty to serve notice of proposed action in relation to obstruction	Section 130A Highways Act 1980
Applying for variation of order under section 130B Highways Act 1990	Section 130B(7) Highways Act 1980
Authorising temporary disturbance of the surface of a footpath bridleway or restricted byway	Section 135 Highways Act 1980
Temporarily diverting a footpath bridleway or restricted byway	Section 135A Highways Act 1980
Functions relating to the making good of damage and removal of obstructions	Section 135B Highways Act 1980

Removal of obstructions from the Highway	Section 143 Highways Act 1980
Powers related to the removal of things so deposited on the highway as to be a nuisance	Section 149 Highways Act 1980
Extinguishing certain rights of way	Section 32 Acquisition of Land Act 1981 (c.67)
Duty to keep definitive map and statement under review	Section 53 Wildlife and Countryside Act 1981 (c.69)
Including modifications in other orders	Section 53A Wildlife and Countryside Act 1981
Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981	Section 53B Wildlife and Countryside Act 1981
Preparing map and statement by way of consolidation of definitive map and statement	Section 57A Wildlife and Countryside Act 1981
Designating a footpath as a cycle track	Section 3 Cycle Tracks Act 1984 (c.38)
Extinguishing a public right of way over land acquired for clearance	Section 294 Housing Act 1981 (c.68)
Authorising stopping-up or diversion of a footpath or bridleway	Section 257 Town and Country Planning Act 1990
Extinguishing public rights of way over land held for planning purposes	Section 258 Town and Country Planning Act 1990
Entering into agreements with respect to means of access	Section 35 Countryside and Rights of Way Act 2000 (c.37)
Providing access in the absence of agreement	Section 37 Countryside and Rights of Way Act 2000
Allowing the deposit of a builder's skip on the highway	Section 139 Highways Act 1980 (c.66)
Licensing planting, retention and maintenance of trees, etc in part of the highway	Section 142 Highways Act 1980
Authorising erection of stiles etc on footpaths or bridleways	Section 147 Highways Act 1980
Licensing works in relation to buildings, etc which obstruct the highway	Section 169 Highways Act 1980

Consenting to temporary deposits or excavations in streets	Section 171 Highways Act 1980
Consenting to temporary deposits or excavations in streets	Section 171 Highways Act 1980
Dispensing with obligations to erect a hoarding or fence	Section 172 Highways Act 1980
Restricting the placing of rails, beams, etc over highways	Section 178 Highways Act 1980
Consenting to construction of cellars, etc under streets	Section 179 Highways Act 1980
Consenting to making of openings into cellars, etc under streets, and pavement lights and ventilators	Section 180 Highways Act 1980
Granting a street works license	Section 50 New Roads and Street Works Act 1991 (c.22)
Power to enforce offences and issue proceedings relating to unauthorised street works	Sections 54, 55, 57, 70, 74, 74A New Roads and Street Works Act 1991
Registering common land or town and village greens, except where this power is exercised solely to give effect to: - exchange of land effected by order under Section 19(3), or Para 6(4) Schedule 3, Acquisition of Land Act 1981 (c.67), or - order under Section 147 Enclosure Act 1845 (c.8 & 9 Vict. c. 118)	Regulation 6 Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
Registering variation in rights of common	Regulation 29 Commons Registration (General) Regulations 1966 (SI 1966/1471, amended by SI 1968/658)

2.6.7.5 Environmental protection and control functions

Any functions relating to contaminated land	Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part
Service of an abatement notice in respect of statutory nuisance	Section 80(1) of the Environmental Protection Act 1990

Discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25),
	Part I of the Environmental Protection Act 1990 (c.43), Clean Air Act 1993 (c.11)
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Section 8 Noise and Statutory Nuisance Act 1993 (c.40)
Inspection of the authority's area to detect any statutory nuisance	Section 79 Environmental Protection Act 1990
Investigation of any complaint as to the existence of a statutory nuisance	Section 79 Environmental Protection Act 1990
Consenting to the operation of a loudspeaker	Schedule 2 Noise and Statutory Nuisance Act 1993 (c.40)
Issuing 'site licences' authorising the use of land as a caravan site	Section 3(3) Caravan Sites Control and Development Act 1960 (c.62)
Issuing licences for use of moveable dwellings as camping sites	Section 269(1) Public Health Act 1936 (c.49)
Making closing orders with respect to take-away food shops	Section 4 Local Government (Miscellaneous Provisions) Act 1982 (c.30)
Any function regarding complaints of noise at night	Noise Act 1996

2.6.7.6 Health

Power to enforce offences relating to the display of no-smoking signs	Section 6(5) of the Health Act 2006
Power to enforce offences relating to smoking in smoke-free places	Section 7(4) of the Health Act 2006
Power to enforce offence of failing to prevent smoking in smoke-free places	Section 8(4) of the Health Act 2006
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006

2.7 Constitution and Ethics Committee

2.7.1 It is advised that Members undertake relevant training in order to hold a seat on the Hearings Panel Sub-committee.

2.7.2 Terms of Reference

2.7.2.1 Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

2.7.2.2 Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and co-opted members;
- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of the both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

2.7.2.3 Authority to approve the granting, to any Council employee, of a dispensation in relation to disqualification from political activities.

2.7.2.4 The Monitoring Officer, in consultation with the Chair of the Constitution and Ethics Committee and the Independent Person, may issue dispensations to any member in respect of statutory and non-statutory disclosable interests. The Constitution and Ethics Committee will receive a report on such cases at the next available meeting.

- 2.7.2.5 To make recommendations to Council on the appointment of the Council's Independent Person(s).
- 2.7.2.6 To have oversight of parish councils' codes of conduct and registers of interests, and authority to consider complaints regarding parish councillors.
- 2.7.2.7 To make recommendations to Council in relation the Council's Honour's process and appointment of Honours. Administration of this process is delegated to Executive and Members' Services.

2.7.3 Terms of Reference of the Hearing Panel (Sub-committee to the Constitution and Ethics Committee)

- 2.7.3.1 The Monitoring Officer, in consultation with the Chair of the Constitution and Ethics Committee shall appoint, as and when necessary, Hearing Panel Sub-Committees to consider and determine complaints against Members alleging that they have breached the Members' Code of Conduct.
- 2.7.3.2 Hearing Panel Sub-Committees shall comprise three members of the Constitution and Ethics Committee, including either the Chair or Vice-Chair. The membership of the committee shall, as far as practicable, be politically proportionate. The Council's designated Independent Person shall sit alongside the Hearing Panel to offer advice in a non-voting capacity.
- 2.7.3.3 The Hearings Panel is a sub-committee of the Constitution and Ethics Committee. The Panel has the following functions:
- On matters being referred by the Monitoring Officer deciding whether complaints concerning members should be investigated;
 - Hearing and determining complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure;
 - Issuing sanctions where considered appropriate against a member found to be in breach of the Code of Conduct;
 - The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution.
 - To remove a member of the Independent Remuneration Panel in accordance with the provisions set out in its Terms of Reference.

2.8 Cambridgeshire & Peterborough Health and Wellbeing Board

2.8.1 Introduction

The Cambridgeshire & Peterborough Health and Wellbeing Board (HWB) is established as a committee of the County Council under section 102 of the Local Government Act 1972. Its remit is to work to promote the health and wellbeing of Cambridgeshire's communities and its focus is on securing the best possible health outcomes for all residents. This involves a system level partnership with NHS and Local Government as equal partners and the alignment of partners' strategies across the system.

2.8.2 In consideration of the developments around the Integrated Care Partnerships (ICPs), Cambridgeshire & Peterborough HWB aims to ensure that integration is closely linked to prevention and tackling the wider determinants of health. A joint Cambridgeshire & Peterborough HWB has collective accountability and responsibility for population health care outcomes. The Board maintains its separate statutory identity from the ICP but where possible meets as a committee in common. It is the intention to have one shared Cambridgeshire & Peterborough Health & Wellbeing Strategy that is owned across the local system.

2.8.3 Membership

2.8.3.1 Membership from the Health and Wellbeing Board is 20 members, with an additional nine from the Integrated Care Partnership, creating the collective board membership.

2.8.4 Health and Wellbeing Board Members

- Cambridgeshire County Council (CCC) Vice-Chair of Adults & Health Committee (Lead member for HWB)¹
- CCC Chair of Adults & Health Committee
- Peterborough City Council (PCC) Cabinet / Lead member for Public Health/HWB¹
- PCC Cabinet / Lead Member for Children's Services
- PCC/CCC Executive Director of Public Health¹
- PCC Executive Director: Adults Services or PCC Executive Director: Children and Young People's Service*
- CCC Executive Director for Adults, Health and Commissioning or CCC Executive Director for Children, Education and Families. *
- District Council representative (one officer on behalf of all districts to be appointed by the Cambridgeshire Public Service Board)
 - Local Healthwatch Chair¹
 - Voluntary & Community Sector Representative
 - Cambridgeshire Constabulary (Chief Constable or officer to be determined)
 - Cambridgeshire and Peterborough Combined Authority (Chief Executive Officer (CEO) or officer to be determined)
 - Chief Executive Integrated Care Board (ICB¹)
 - Chair Integrated Care Board
- Representative of Cambridge University Hospitals NHS Foundation Trust (CUHFT)

- Representative of North West Anglia NHS Foundation Trust (NWAFT)
- Representative of Papworth Hospital NHS Foundation Trust
- Representative of Cambridgeshire and Peterborough NHS Foundation Trust (CPFT)
- Representative of Cambridgeshire Community Services NHS Trust (CCS)
- Primary Care Representative (South)

* One member to be agreed between the Chief Executives of Peterborough City Council and Cambridgeshire County Council.

2.8.5 Integrated Care Partnership Board Members

- ICB Deputy Chief Executive/ Managing Director of Strategic Commissioning Accountable Business Unit
- ICB Chief of Partnerships and Strategy
- ICB Non-Executive Member
- Primary Care Representative (North)
- District Council representative (one officer on behalf of all districts to be appointed by the Cambridgeshire Public Service Board)
- Police and Crime Commissioner
- Academic Health Science Network Representative
- Voluntary and Community Sector Representative
- Mayor of Cambridgeshire and Peterborough Combined Authority

¹. Denotes statutory members of the Health and Wellbeing Board as required by Section 194 of the Health and Social Care Act 2012. There is a statutory requirement for at least one local authority councillor and at least one representative of the ICS NHS Board, to be a member of the HWB

2.8.6 Summary of Functions

	Delegated Authority	Delegated Condition
2.8.6.1	Authority to prepare the Joint Strategic Needs Assessment (JSNA) for Cambridgeshire and Peterborough: To develop a shared understanding of the needs of the community through developing and keeping under review the JSNA and to use this intelligence to refresh the Health & Wellbeing Strategy.	Section 116, Local Government and Public Involvement in Health Act 2007 Section 196, Health and Social Care Act 2012
2.8.6.2	Authority to prepare the Joint Health and Wellbeing Strategy for Cambridgeshire and Peterborough based on the need identified in the Joint Strategic Needs Assessment and overseeing the implementation of the Strategy, which informs and influences the commissioning plans of partner agencies.	Section 116A, Local Government and Public Involvement in Health Act 2007. Section 196, Health and Social Care Act 2012

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2.8.6.3	Authority to respond to consultations about commissioning plans issued by the ICB in connection with Section 26 of the Health and Social Care Act 2012.	Section 26, Health and Social Care Act 2012
2.8.6.4	Authority to encourage persons who arrange for the provision of any health or social care services in the Council's area to work in an integrated manner.	Section 195, Health and Social Care Act 2012
2.8.6.5	Authority to provide any advice, assistance and support it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006.	Section 195, Health and Social Care Act 2012 Section 75, NHS Act 2006
2.8.6.6	Authority to produce the Pharmaceutical Needs Assessment (PNA) and liaise with NHS England and Improvement (NHSE&I) to ensure recommendations and gaps in services are addressed.	NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (SI 2013/349)
2.8.6.7	To consider options and opportunities for the joint commissioning of health and social care services for children, families and adults in Cambridgeshire to meet identified needs (based on the findings of the Joint Strategic Needs Assessment) and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.	
2.8.6.8	To identify areas where joined up or integrated commissioning, including the establishment of pooled budget arrangements, would benefit improving health and wellbeing and reducing health inequalities.	
2.8.6.9	By establishing subgroups as appropriate give consideration to areas of joint health and social care commissioning, including but not restricted to services for people with learning disabilities.	
2.8.6.10	To keep under consideration, the financial and organisational implications and impact on people's experience of joint and integrated working across health and social care services, and to make recommendations for ensuring that performance and quality standards for health and	

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	social care services to children, families and adults are met and represent value for money across the whole system.	
2.8.6.11	Authority to prepare and provide Health and Wellbeing Board sign off for the Better Care Fund Plan.	
2.8.6.12	Authority to approve non-statutory joint strategies on health and wellbeing issues (e.g. Cambridgeshire and Peterborough suicide prevention strategy).	
2.8.6.13	Authority to discharge any other functions specifically reserved to be undertaken by health and wellbeing boards as set out in legislation, guidance, circulars and directives received from national government.	
2.8.6.14	Authority to consider whether ICS Board draft forward plans take proper account of the joint local health and wellbeing strategy which relates to the period (or any part of the period) to which the plan relates.	Section 14Z54 White paper
2.8.6.15	To provide oversight to the work undertaken by the member partners to take forward the Cambridgeshire and Peterborough ICB to deliver the “triple aim” duty for all NHS organisations of better health for the whole population, better quality of care for all patients and financially sustainable services for the taxpayer.	
2.8.6.16	To provide a system wide governance forum, including NHS, Local Government and wider partners, to enable collective focus and direction to the responsibilities and decision making of the individual partners.	

2.8.7 Cambridgeshire & Peterborough Health and Wellbeing Board (Standing Orders)

2.8.7.1 Co-optees

The Board will be entitled to appoint non-voting and voting co-opted members of the Board. It shall determine whether the co-options shall be for a specified period, for specific meetings or for specific items. Co-options may only be made if the person co-opted has particular knowledge or elected expertise in the functions for which the Board is responsible, or knowledge/responsibility for a geographic or academic agenda issue.

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2.8.7.2 **Notice of Meetings**

Meetings of the Board will be convened by the Integrated Care Board on behalf of Cambridgeshire County Council and Peterborough City Council. The County Council and the City Council will arrange the clerking of the HWB part of the agenda and recording of the whole meeting (a member of Cambridgeshire County Council's or Peterborough City Council's Democratic Services Team will act as clerk or business support lead).

2.8.7.3 **Chair**

The appointment of the Chair will be determined by the Board at each meeting. It will be based on a rotating arrangement between CCC, PCC and the ICP.

2.8.7.4 **Quorum**

The quorum for all meetings of the Board will be nine members and must include at least one elected representative from CCC and PCC and a representative of the ICB.

2.8.7.5 **Appointment of Substitute Members**

Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Notification of a named substitute member must be made in writing or by email to the clerk. Substitute members may attend meetings after notifying the clerk of the intended substitution before the start of the meeting either verbally or in writing. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.

2.8.7.6 **Decision Making**

It is expected that decisions will be reached by consensus, however, if a vote is required it will be determined by a simple majority of those members and voting co-opted members present and voting. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

2.8.7.7 **Meeting Frequency**

The Board will meet at least four times a year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Board meeting may be called by the Chair, by any three members of the Board or by the Director of Public Health if they consider it necessary or appropriate.

2.8.7.8 **Supply of information**

The Cambridgeshire and Peterborough Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request any of the

following persons to supply it with such information as may be specified in the request—

- (a) the local authority that established the Health and Wellbeing Board;
- (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012 (“the 2012 Act”);
- (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.

A person who is requested to supply information under (a), (b) and (c) must comply with the request. Information supplied to a Health and Wellbeing Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.

2.8.7.9 Status of Reports

Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection on the CCC and PCC’s website at least five working days in advance of each meeting. [This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended.] Other participating organisations may make links from their website to the Board’s papers on CCC or PCC’s website.

2.8.7.10 Press Strategy

An electronic link to agendas for all meetings will be sent to the local media. CCC and/or PCC will be responsible for issuing press releases on behalf of the Board and dealing with any press enquiries. Press releases issued on behalf of the Board will be agreed with the Chair or Vice-Chair and circulated to all Board members.

2.8.7.11 Members’ Conduct

Part 5 - Codes and Protocols of the Cambridgeshire County Council’s Constitution applies to all elected and ‘co-opted’ members of the Board.

2.8.7.12 Amendment of the Terms of Reference

The Board may recommend variations to its Terms of Reference by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.

2.8.7.13 Governance and Accountability

The Board will be accountable for its actions to its individual member organisations. There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference. Decisions within the terms of reference will be taken at meetings and will not

normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies. It is expected that decisions will be reached by consensus. Board members bring the responsibility, accountability and duties of their individual roles to the Board to provide information, data and consultation material appropriate to inform the discussions and decisions.

2.8.7.14 **Reporting**

The Board will take an annual report to Full Council in CCC and PCC and will report to NHS England and Improvement (NHSEI) via the regional Team reports as required.

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2.9 **Peterborough City Council Independent Improvement and Assurance Panel - Terms of Reference (2023)**

2.9.1 Purpose

2.9.1.1 The purpose of the Panel is:

- To provide external advice, challenge, and expertise to Peterborough City Council in driving forward the development and delivery of their improvement plan and transformation plan.
- To provide assurance to the Council of the progress on delivering their improvement plan and transformation plan.
- To provide four monthly reports to the Council on the progress of the delivery of the Improvement Plan and transformation plan.

2.9.1.2 This will involve:

- Providing regular advice, challenge, and support to the Council on the full range of their improvement activities, and in particular on delivery of the recommendations in the CIPFA and Andrew Flockhart reports published on 3 November 2021 to ensure financial sustainability of the Council in three years (financial year 2024/25).
- Working together across specialisms and acknowledging as well as challenging key dependencies with collegiate approach to managing and resolving risk.
- Exploring key issues in detail through deep dives and specially commissioned pieces of work and through workshops.
- Ensuring key decisions are made cognisant of the financial implications and impact on in - year budgets and the long term MTFS.

2.9.1.3 The Panel is expected to conclude in December 2024. Panel meetings will be held in private, and any minutes produced will not be published.

2.9.1.4 The Panel will meet monthly but will keep under review the frequency of these meetings.

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2.9 Peterborough City Council Independent Improvement and Assurance Panel

2.9.2 The Improvement and Assurance Panel will comprise:

Independent Chair	Eleanor Kelly
Independent External Member (Finance)	Chris Buss
Independent External Member (Governance)	Andrew Flockhart
Independent External Member (Service)	Chris Naylor
Independent External Member (Assets, Contracts and Companies)	Clive Heaphy
Independent External Member (LGA)	Rachel Litherland
In attendance:	
Leader of the Council	Cllr Mohammed Farooq
Leader of each political group in the Council	Cllrs Fitzgerald, Hogg, Jones and Day
Chief Executive	Matt Gladstone
Members of the Corporate Leadership and Transformation Team	Adesuwa Omoregie, Adrian Chapman Amanda Rose, Amelia Midgley, Cecilie Booth, John Gregg, Mandy Pullen, Stephen Taylor and Ray Hooke.

2.9.2.1 Additional independent external members may be appointed to the Panel or invited to meetings with the agreement of the Independent Chair and the Chief Executive.

2.9.3 Wider Local and Political Engagement

2.9.3.1 The Improvement and Assurance Panel will work closely with the other improvement boards/support mechanisms across the Council.

2.9.4 Costs

2.9.4.1 Any costs associated with the Improvement and Assurance Panel will be met by Peterborough City Council.

2.9.4.2 Panel members will be paid a fee for their work. The fee will be paid on a personal basis.

2.9.4.3 Panel members will need to work flexibly as the demand of the role requires. However, Peterborough City Council may wish to agree in advance the number of days advice to be provided by each Panel member over each 12-month period.

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- 2.9.4.4 The Panel will be supported by an effective programme office to ensure that the overall programme plan is proactively tracked, kept up to date and that issues and risks are managed on a day-to-day basis through officers.

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Independent Panel Terms of Reference

Membership

At least three of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer, the Head of Paid Service or the Deputy Monitoring Officer where it is inappropriate for the Monitoring Officer to do so because of a conflict, shall invite the Independent Persons, as necessary/appropriate.

The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:

- an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area;
- any other Independent Person who has been appointed by the authority;
- an Independent Person who has been appointed by another authority or authorities.

Functions

1. To carry out the function of 'the Panel' referred to in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and advise the Council on matters relating to the dismissal of relevant officers (including those officers that the statutory procedure has been extended to in the exercise of the Council's discretion).
2. Accordingly, the Panel must consider any recommendation to dismiss a relevant officer before such recommendation is considered by Council. The Panel may give advice, express its views and make its own recommendations before Council meets to consider whether or not to approve a proposal to dismiss a relevant officer.

Quorum

The Independent Panel cannot meet to carry out its function unless at least two Independent Persons are in attendance.

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Scheme of Cabinet Delegations

Section 3 – Executive Functions

Introduction

Executive Functions consist of:-

- (a) Functions which the executive must in law exercise;
- (b) Functions which are not listed in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended; and
- (c) 'local choice' functions listed at Schedule 2 of those Regulations, where the Council has decided that they shall be exercised by the Executive.

All Executive functions are delegated to the Leader who may then delegate further to the Cabinet, Committees of the Cabinet, Cabinet Members and officers. The Leader retains responsibility for the functions so delegated and may exercise those functions in person regardless of the further delegation.

Cabinet Members are not authorised to further delegate their functions (unless provided within this Delegation Document) on to officers without the Leader's consent.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

3.1 General provisions, including requirements to record decisions

- 3.1.1 The recording and publishing of decisions will be carried out by the Solicitor to the Council or a member of his/her staff acting on behalf of the Chief Executive "the Proper Officer". The Council's procedural rules require all Cabinet and Cabinet Member Decisions and officers' key decisions to be published within 2 working days. They will all be available for scrutiny, and also for potential call-in unless the decision has been ruled urgent in accordance with Part 4 of this Constitution.
- 3.1.2 A Cabinet Member will usually exercise delegated authority through an appropriate officer. It is then the officer's responsibility to notify the Proper Officer promptly of the options considered and the reason for the decision. This notice will include mention of the nature of any disagreement between the officer and the Cabinet Member.
- 3.1.3 However, in exceptional cases when a Cabinet Member exercises delegated authority otherwise than through an officer, or overrides specific officer advice, then it is the Cabinet Member's responsibility to submit prompt written notice of his/her decision, together with any options considered and the reason for the decision, to the Proper Officer. He/she must also notify the relevant lead officer.
- 3.1.4 When any officer, excluding the Chief Executive, exercises delegated authority then he/she must refer all Key Decisions to Cabinet Members. The lead officer is responsible for notifying the Proper Officer of the Cabinet Member's decision. Other (non-key) officer decisions taken in accordance with the following Executive delegations should be recorded by the officer on file. The Cabinet Member should be briefed as soon as possible about decisions made. In the event of a Cabinet

Member over-ruling an Officer's preferred decision, this becomes the Member's decision and must be recorded by him/her in accordance with the paragraph above.

The Chief Executive may take key decisions on behalf of the Authority. When exercising this authority, the Chief Executive is responsible for notifying the Proper Officer of the decision proposed for inclusion on the Forward Plan and publication in accordance with the Council's procedure rules. The relevant Cabinet Member should be briefed before any key decision is made.

3.1.5 Officers shall exercise their delegations subject to the following constraints:

- (a) They shall give notice to the Leader, via the Proper Officer, of all forthcoming Key Decisions, so that they can be logged on the Notice of Intention to Take Key Decisions;
- (b) With the exception of the Chief Executive, they shall refer such key decisions to the relevant Cabinet Member for determination;
- (c) They shall consult the appropriate Cabinet Member about all decisions likely to give rise to media attention or complaints from the public, and all decisions favouring any political party or area of Peterborough;
- (d) They shall exercise sensitivity in ensuring that, prior to making a non-key decision, they consult the relevant Cabinet Member where the decision may give rise to political or other concerns. The subsequent decision will be the officer's in consultation with the Member, and shall be recorded by the officer except where the Cabinet member overrules, when this will be recorded and published as the Cabinet Member's decision;
- (e) Officers shall notify the Proper Officer of decisions made;
- (f) The Leader or any Cabinet Member may set financial thresholds for decisions by officers, above which they must consult or seek agreement of the Cabinet Member.

3.2 Functions of the Cabinet

- 3.2.1 To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.
- 3.2.2 To take collective responsibility for any Executive decision that has significant implications across two or more portfolios.
- 3.2.3 To determine any key decision (as defined in Article 11 – Decision Making), with the exception of any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.
- 3.2.4 To be responsible for budget planning, monitoring and expenditure/savings over £500,000, including Discretionary Rate Relief, with the exception of any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.
- 3.2.5 To make decisions on actions relating to the awarding, assigning and termination of contracts over £500k, and waiving or granting exemptions to Contract Regulations where contracts are over £500k, with the exception any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.

- 3.2.6 To promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.
- 3.2.7 To take a leading role in promoting the economic, environmental and social well-being of the area.
- 3.2.8 To determine policies or strategies that will have a significant impact on two or more wards.
- 3.2.9 To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.
- 3.2.10 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.
- 3.2.11 To lead the delivery of Business Transformation within the Council.
- 3.2.12 To be responsible for the Council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit.
- 3.2.13 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions.
- 3.2.14 To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.
- 3.2.15 To determine responses to (and/or make recommendation to the Council, as appropriate) reports from the Monitoring Officer, external inspections and the Local Ombudsman.
- 3.2.16 To scrutinise auditors' reports and letters, to consider reports from the Council's external auditor and internal auditor, where appropriate, and determine appropriate responses.
- 3.2.17 Cabinet will be responsible for the following functions in relation to the Council's companies, partnership and charities.
- (a) The establishment of any new company, partnership or charity;
 - (b) The decommissioning/winding up of existing companies, partnerships and charities;
 - (c) The determination of Articles of Association;
 - (d) The determination of the percentage share of ownership;
 - (e) The determination of the investment of funds and assets;
 - (f) The determination of any lending facilities to the Council's companies, partnerships and charities;
 - (g) The determination of decisions reserved to the Council as shareholder or member of a company, partnership or charity;
 - (h) Scheme of delegations to the Shareholder Cabinet Committee;

- (i) Approval of Business Plans;
- (i) Approval of changes to service agreements in respect of KPIs, service levels and service standards;
- (k) The setting of Policy Strategy and objectives for the operation of the Council's companies, partnerships and charities.

3.3 Cabinet Committees

3.3.1 Eastern Shires Purchasing Organisation Joint Cabinet Committee (ESPO)

The Eastern Shires Purchasing Organisation Joint Cabinet Committee (ESPO) currently consists of Cambridgeshire County Council, Leicester City Council, Leicestershire County Council, Lincolnshire County Council, Norfolk County Council and Warwickshire County Council alongside Peterborough City Council (the Member Authorities).

The Member Authorities have agreed to operate ESPO on the terms and conditions set out in the Consortium Agreement and ESPO shall undertake the following functions jointly with the other Member Authorities:

- (a) to provide a comprehensive cost effective professional purchasing service to the Member Authorities (and available to Customers on a subscription basis);
 - (i) negotiating terms for the supply of goods and/or services;
 - (ii) purchasing, storing and distributing items in common use where it is practical and economical to do so;
 - (iii) advising on standards and specifications;
 - (iv) providing professional and technical expertise;
 - (v) providing specialist goods and/or services, and
 - (vi) investigating areas of joint purchasing;

Based on the overall requirements of the Member Authorities (and Customers where applicable);

- (b) to maintain effective efficient and economical arrangements for the supply of goods and/or services by:
- (c) to achieve overall cost savings and efficiencies for the Member Authorities by providing them with a simple effective system for the supply of goods and/or services;
- (d) to provide timely and relevant information to the Member Authorities based on their requirements; and
- (e) to provide the ESPO Services to the Member Authorities (and Customers where applicable) based on their requirements.

3.3.2 Shareholder Cabinet Committee

Purpose

The Shareholder Cabinet Committee will have functions relating to all the Council's companies, partnerships and charities.

The Shareholder Cabinet Committee will act as a decision-making body in relation to the functions delegated to it as well as an advisory body to Cabinet. Support and advice will be provided to the Shareholder Cabinet Committee by the Monitoring Officer, the Section 151 Officer and other client officers as appropriate

Membership and Operation of the Shareholder Cabinet Committee

The Shareholder Cabinet Committee membership of the Council will be determined by the Leader and will comprise a maximum of five Cabinet Members and one member from each of the opposition political party groups of the Council.

Each non-Cabinet member of the Committee will be able to attend all meetings of the Shareholder Cabinet Committee, have access to all information provided, participate in discussions of the group, but will have no voting rights.

The Chairman and Vice Chairman of the Committee will also be appointed by the Leader.

The Executive Director of Corporate Services and s151 Officer and the Director of Law and Governance and Monitoring Officer will be advisors to the Shareholder Cabinet Committee.

The quorum of the Shareholder Cabinet Committee shall be 2 Cabinet Members and 1 member of the opposition political party group and meetings shall take place quarterly/bi-monthly or as determined by the Chairman.

An invitation to attend a meeting must also be provided to the Chair of the Growth, Resources and Communities Scrutiny Committee (or their nominated deputy) at least three clear days in advance of the meeting taking place.

Functions of the Shareholder Cabinet Committee

- a) To monitor performance of the companies, partnerships, and charities in line with Cabinet approved business plans and particular the company's performance:
 - (a) in financial matters
 - (b) against the social goals of the company as set out in the company's Objects. Business Case or Business Plan; and against the values of the Council by means of monthly performance monitoring and scrutiny.
- b) To provide the necessary oversight from the shareholder's perspective and ensure that those companies, partnerships, and charities comply with relevant Council policies, strategies, and objectives.
- c) To exercise decisions, where delegated by Cabinet, in relation to a company, partnership or charity's reserved matters.
- d) To make recommendations to Cabinet in relation to investments, loans, and assets.
- e) To evaluate and monitor the financial and social returns on investment and risks and opportunities including those arising from joint ventures or new opportunities.
- f) To oversee the relationships between the Council and the Council's companies, partnerships, and charities, and any such relationships between the Council's companies, partnerships, and charities in accordance with the Council's objectives.

- g) To review any reports in relation to the Council's companies, partnerships, or charities prior to their submission to the Audit Committee to ensure compliance with Council policies, strategies, and objectives.
- h) To determine for each individual company, partnership, or charity whether the Shareholder Cabinet Committee recommends to Cabinet the delegation of any functions to the officers of the Council.

3.4 Individual Cabinet Members

- 3.4.1 The Leader has allocated a "portfolio" to each Cabinet Member and delegated to each "Portfolio Holder" responsibility for the discharge of functions set out below.
- 3.4.2 All Cabinet Members have the following delegations in relation to their portfolios and the service areas for which they are responsible, as set out in the table below.
- 3.4.3 To exercise the Executive powers and duties of the Council for strategic development, policy direction, partnership working, time-critical, operational, or routine key decisions, and programme and performance management, in accordance with the council's procedure rules, for their portfolio areas.
- 3.4.4 To be responsible for ensuring the successful delivery of business transformation in relation to their portfolio areas.
- 3.4.5 To request the relevant Scrutiny Committee and/or Commission to review changes to policy and strategy within these services area.
- 3.4.6 To be responsible for budget planning, monitoring and expenditure/savings over £500,000, where time-critical, operational or routine decisions, in these service areas with Corporate Directors and the Corporate Director for Resources, ensuring that it remains within the cash limit, reporting any issues which cannot be resolved within the service budget to the Leader of the Council.
- 3.4.7 To act as the Council's lead spokesperson, representative on strategic bodies and Member Champion for these service areas and to respond to relevant consultations by Central Government and other agencies.
- 3.4.8 To make time-critical, operational, or routine decisions on actions relating to contracts including:
 - (a) Awarding, assigning and terminating contracts over £500k;
 - (b) Waiving or granting exemptions to Contract Regulations where contracts are over £500k.
- 3.4.9 To support the Leader of the Council as a Member of the Combined Authority in matters relating to their portfolio responsibilities.

Part 3, Delegations Section 3 – Executive Functions

CABINET ROLE	MEMBER NAME	SCOPE OF ROLE
Leader of the Council	Councillor Mohammed Farooq	<ul style="list-style-type: none"> • All functions of the Leader of the Council • Political leadership and strategic direction for the Council • Communications
Deputy Leader and Cabinet Member for Corporate Governance and Finance	Councillor John Howard	Responsibility for the Corporate & Community functions of the Council including but not limited to: <ul style="list-style-type: none"> • Legal • Finance • Business Transformation • Governance • Commercial Strategy • Capital Programme • Treasury Management • Procurement • Registration/Bereavement Services • Commercial Partnerships, Property and Assets • HR • IT • Equality and Diversity • Community Engagement and Community Support, including International Relations • Data insight and analytics
Cabinet Advisor for Legal, Finance and Corporate Services	Councillor Chris Harper	To advise and support the Cabinet Member for Corporate Governance and Finance.
Cabinet Member for Adults and Health	Councillor Saqib Farooq	Responsibility for the Adult Social Care and Public Health duties of the Council, including but not limited to: <ul style="list-style-type: none"> • Care Act 2014 and related legislation • Safeguarding Adults and Deprivation of Liberty Safeguards • Oversight of selected NHS staff and services via s75 arrangement • Early Intervention and Prevention including Reablement, Therapy Services and Technology Enabled Care, Disabled Facility Grants • Care Act Assessments • Mental Capacity Act assessments • Mental Health, Learning Disabilities and Autism and Physical Disabilities. • Integrated Community Equipment • Commissioning and Market Sustainability • Better Care Fund

Part 3, Delegations Section 3 – Executive Functions

		<ul style="list-style-type: none"> • Independent Mental Health and Mental Capacity Advocates • Integrated Care System (partnership and Integration) • Health and Social Care Act 2012 (as amended) and related legislation • Public health services including children’s public health services, sexual and reproductive health services, integrated behaviour change services, substance misuse services • Public health duties such as emergencies that present a risk to public health • Health promotion for oral health • Public health intelligence • Health in Everything We Do
Cabinet Advisor for Adults and Health	Councillor John Fox	To advise and support the Cabinet Member for Adults and Health.
Cabinet Member for Children’s Services	Councillor Bisby	<p>Responsibility for the Children’s Services & Education functions of the Council, including but not limited to:</p> <ul style="list-style-type: none"> • Children’s Social Care, including all matters specifically provided for by the Local Authorities (Social Services) Act 1970, personal social services and care in the community, together with the responsibilities under associated and ancillary legislation not limited to but including <ul style="list-style-type: none"> ○ Crime and Disorder Act 1998 ○ Children Act 1989 ○ Children Act 2004 ○ Childcare Act 2006 ○ Education and Inspection Act 2006. • Safeguarding Children • Services for Looked After Children and Corporate Parenting • Early Help Services • Specialist Young People Services • Responsibility for Councils health related functions under Health Act 1975 in so far as they relate to children. • Targeted Youth Services • Education services (excluding certain functions relating to higher education and adult education) • School property maintenance and asset management (excluding disposal) • School Admissions and Place Planning • SEND • Early Years

Part 3, Delegations Section 3 – Executive Functions

<p>Cabinet Member for Housing, Growth and Regeneration</p>	<p>Councillor Peter Hiller</p>	<p>Responsibility for the Growth, Regeneration, Housing, Skills and University functions of the Council including but not limited to:</p> <ul style="list-style-type: none"> • Planning • Building Control, including the Building Act 1984 (as amended) • Economic Growth and Development • Housing Strategy • Tourism • Heritage, Leisure and Libraries • Homelessness and Rough Sleeping • Community Safety and Enforcement • Business Improvement District (BID) • Learning and Skills for post 16 and for 16–25-year-old learners with learning difficulties or disabilities • Skills Strategy • Further Education, Higher Education and University provision • Adult Learning and Skills Service • City College
<p>Cabinet Advisor for Housing Growth and Regeneration</p>	<p>Councillor Chris Harper</p>	<p>To advise and support the Cabinet Member for Housing, Growth and Regeneration.</p>
<p>Cabinet Member for Infrastructure, Environment & Climate Change</p>	<p>Councillor Gavin Elsey</p>	<p>Responsibility for the Infrastructure, Environmental and Climate Change functions of the Council, including but not limited to:</p> <ul style="list-style-type: none"> • Regulatory Services • Highways and Transport • Car parking strategy for the use of Council car parks and a charging policy. • Climate Change and Net Zero Ambition • Environment Strategy • Energy Strategy • Waste Management, including strategy and operations • Parks and Open Spaces • Flood Risk Management

Part 3, Delegations Section 3 – Executive Functions

Name	Address	Ward
Councillor Mohammed Farooq Leader of the Council	Mobile: 07771 747666 Email: mohammed.farooq@peterborough.gov.uk	Hargate & Hempsted
Councillor John Howard Deputy Leader and Cabinet Member for Corporate Governance and Finance	Mobile: 07592 594776 Email: john.howard@peterborough.gov.uk	Hargate & Hempsted
Councillor Saqib Farooq Cabinet Member for Adults and Health	Mobile: 07920160036 Email: saqib.farooq@peterborough.gov.uk	Glington and Castor
Councillor Ray Bisby Cabinet Member for Children's Services	Mobile: 07875 640700 Email: ray.bisby@peterborough.gov.uk	Stanground South
Councillor Peter Hiller Cabinet Member for Housing, Growth and Regeneration	Mobile: 07920 160487 Email: peter.hiller@peterborough.gov.uk	Glington and Castor
Councillor Gavin Eley Cabinet Member for Infrastructure, Environment and Climate Change	Mobile: 07738 930599 Email: gavin.eley@peterborough.gov.uk	Wittering
Councillor John Fox Cabinet Advisor for Adults and Health	Mobile: 07540 358396 Email: john.fox@peterborough.gov.uk	Werrington
Cabinet Advisor for Legal, Finance and Corporate Services	Mobile: 07572 463898 Email: chris.harper@peterborough.gov.uk	Stanground South

3.5 Delegations to Officers: General Provisions

3.5.1 Officers shall exercise the following delegations subject to the constraints listed at paragraph 3.1 above. It shall be noted that all delegations to Directors (meaning, for the purpose of this document, Directors that report directly to the Chief Executive) may also be exercised by the Director of Law and Governance and the Chief Executive.

3.6 Delegations to Officers: Corporate Matters

3.6.1 The Chief Executive shall, in pursuance of his or her duty to present to the Cabinet and Scrutiny Committees advice on matters of major policy, ensure that regular meetings are called of all Directors, and that matters of major policy are considered at those meetings before reference to members through the Council's formal governance structures.

3.6.2 The Chief Executive is authorised:

- (a) to require any matter delegated to a Director, but not requiring an urgent decision, to be referred to Corporate Management Team or the equivalent body and to be subject of a report to the Executive or an appropriate Committee;
- (b) to authorise a Director to act in his/her absence on any matter within his/her authority;
- (c) in the absence of any Director, to take decisions delegated to him/her or a Head of Service in his/her department (excluding the statutory functions of the Monitoring Officer and the Section 151 financial officer);
- (d) to take any action, including the incurring of expenditure, where emergency action is required;
- (e) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (f) to exercise personal responsibility for delegations to officers in relation to executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff;
- (g) to determine changes within the management structure, where these involve substantial change to the responsibilities of first and second tier posts, having regard to the proposals of the relevant Cabinet Members for the services affected and also of the Leader of the Council.
- (h) to loan officers to another authority for the purposes of discharging their functions.

3.6.3 The Chief Executive, or an officer authorised by him/her, shall deal with press enquiries on matters of general policy. In addition, the Chief Executive is authorised:-

- (a) to issue news releases about matters which have been the subject of consideration by the Executive or Committees;
- (b) having consulted where appropriate with the relevant Member to issue news releases about other matters and to call press conferences.

3.6.4 Directors shall be authorised to deal with press enquiries and issue press releases on matters arising from the work of their Department.

3.6.5 The Chief Executive and every Director shall be authorised to exercise the following functions in so far as they fall within his/her remit, subject to the ability of the Leader (or Cabinet Members acting under authority delegated to them by the Leader or a regulatory committee of the Council to exercise the functions):

- (a) to take any steps necessary for the day to day management and routine administration of his/her Department without reference to the Executive or a Committee, but subject to any necessary reference to the Chief Executive or other Director;
- (b) to act on behalf of and in the name of the Executive or a Committee on those matters shown in this delegations document as matters for decision at Officer level, where necessary in consultation with the Cabinet Member, Chief Executive and/or other appropriate Officers;
- (c) to authorise the exercise, on his/her behalf, of the powers delegated to him/her within this delegations document by such other Officers within his/her Department as he/she deems appropriate for the proper performance of the work. A statement of the officers who exercise such functions on the Director's behalf must be maintained by each Director and made available to the Cabinet and to other Members upon request;
- (d) in pursuit of their service delivery to give notice under Regulation 3 of the Town and Country Planning General Regulations 1992 that it is proposed to seek permission for development, together with authority to submit such applications under Regulation 4 or 5 thereof, or to authorise any officer acting as agent to do so. This delegation shall also include authority to submit Building Regulations applications. This delegation shall also apply to Heads of Service or other designated senior officers;
- (e) in pursuit of their service delivery to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or, where appropriate, Section 330 of the Town and Country Planning Act 1990 as amended, together with authority to instruct the Director of Law and Governance to prosecute for failure to comply with any such notice;
- (f) to take any emergency action necessary for the safety of the public or the preservation of the property of the Council;
- (g) to make ex-gratia payments up to a limit of £1,000, in respect of complaints where quantifiable damage or loss can be identified;
- (h) to approve Members' attendance at conferences and seminars, following consultation with the Leader as to the benefit to be obtained by member attendance and the appropriate level of such attendance, provided any fees and associated costs can be met from within existing budget provision for conferences/seminars;
- (i) to submit the Council's response to Government, Local Government Association and other similar consultation papers following discussion with the relevant Cabinet Member, Scrutiny Chairman and Group Representatives. If agreement is not reached the response will be referred to the Cabinet for approval;
- (j) to authorise the allocation of external funding awarded to the Council where such funding does not exceed £500,000, subject to prior consultation with the Director of Law and Governance (or his/her representatives). For funding between £300,000 and £500,000 this delegation is subject to a further consultation with the

Leader of the Council, relevant Cabinet Member and the Chief Executive. To determine allocation of external funding over £500,000 a key Cabinet Member decision is required.

- (k) to monitor the performance of organisations receiving grant aid from the Council, whether through a standard rate or a Service Level Agreement.
- 3.6.6 The Chief Executive and Directors are authorised to deal with contractual matters in accordance with Contract Regulations.
- 3.6.7 Directors are authorised to investigate contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.
- 3.6.8 The relevant Director, in consultation with the Director of Law and Governance and Executive Director for Corporate Services, is authorised to negotiate and settle claims by or against the Council where this is considered to be in the best interests of the Council.

Human Resource Matters

- 3.6.9 The Chief Executive and every Director has authority to take decisions relating to the engagement of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of services and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to Executive functions.
- 3.6.10 The relevant Director may vary their Department's establishment subject to compliance with agreed procedures and any such variations being within the Department's cash limited budget; also subject to substantial change in the first or second tier being referred to the Chief Executive, and substantial change between more than one Department requiring the agreement of all relevant Cabinet Members or reference to the Cabinet for determination.
- 3.6.11 Directors may:
- (a) authorise overtime working by employees in their Department/Division, where there is provision in their contract for overtime to be paid;
 - (b) appoint the requisite members of existing staff who have already received the necessary first aid training as first aid personnel.

Finance Matters

- 3.6.12 Each Director has responsibility for, and will be judged accountable for, managing their Department's budget within its overall cash limits. In consultation with the relevant Cabinet Member, each Director is authorised to vire between budget heads where the cost centres are within his or her sole control, and where the cost centre is under the control of more than one Director, provided that they manage their budgets within cash

limits.

- 3.6.13 All Directors are budget holders are accountable for maintaining expenditure, including staff costs within their allocated cash limit and budget and must not exceed this level of spending without written authority from the Leader of the Council. No virement to or from staffing budgets shall be made without prior approval from the Leader of the Council/relevant Cabinet Member. Although Directors and all budget holders will delegate responsibility for spending and services to their senior managers, they are accountable for the decisions and actions of their staff. Failure on the part of a budget holder to comply with this prime accountability will be viewed by the Executive as gross misconduct and will be reported to the appropriate officer to deal with in accordance with the Council's disciplinary procedures and rules, such officer reporting back to the Executive on the outcome.

3.7 Delegations to Officers: Director of Law and Governance

Legal Matters

- 3.7.1 The Director of Law and Governance is authorised:
- (a) to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the Council in accordance with Section 222 of the Local Government Act 1972;
 - (b) to take all necessary steps in legal proceedings against any person or body authorised by the Council;
 - (c) to take all necessary steps to defend the Council in legal proceedings against the Council brought by any person or body, including in Employment Tribunals;
 - (d) to certify resolutions and documents as being correct;
 - (e) to obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable;
 - (f) to insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches;
 - (g) in consultation with appropriate officers, to grant wayleaves to statutory undertakers;
 - (h) to withdraw legal proceedings in his/her discretion;
 - (i) to fix charges for legal work carried out by the Council;
 - (j) to institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto;
 - (k) to authorise officers of the City Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.
 - (l) to sign on behalf of the Council any deed or other document, which, in his/her professional judgement, is necessary or desirable to sign;
 - (m) to act as Deputy Electoral Registration Officer;
- 3.7.2 The Director of Law and Governance is authorised to make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.
- 3.7.3 The Director of Law and Governance is authorised to enter into agreements under Section 38 & 278 of the Highways Act 1980, subject to consultation with the Director Growth & Regeneration.

Legal: Children, Families and Adult Social Care

- 3.7.4 The Director of Law and Governance is authorised to institute legal proceedings in respect of:
- (a) Prosecutions relating to the relevant functions assigned to the Authority under the Local Authority Social Services Act 1970;
 - (b) Recovery of any charge made in respect of a service provided by the Social Services Department;
 - (c) The care, supervision or protection of any child or young person under the Children Act 1989, the High Court's inherent jurisdiction or any other enactment relating to children or young persons;
 - (d) The safeguarding of vulnerable adults under the Care Act 2014 and the Mental Capacity Act 2005.

- 3.7.5 The Director of Law and Governance is authorised to determine and arrange the novation of, or as the case may be otherwise transfer, all contracts or agreements which relate to the provision or commissioning by the Council of Health related adult social care functions to its partners the Cambridgeshire and Peterborough Mental Health Partnership NHS Trust or, as the case may be the Peterborough Primary Care Trust.
- 3.7.6 The Director of Law and Governance is authorised to apply for letters of administration of the estate of residents who die while living in a Residential Home owned or managed by the Council or its agent, where it is likely that the sole beneficiary of the estate is the Council or funds managed by the Council or its agent for the benefit of residents living in such a home.
- 3.7.7 The Director of Law and Governance is authorised to wind up estates of deceased persons where the Council has arranged the funeral under Section 46 of the Public Health (Control of Diseases) Act 1984.

Legal: Housing Service

- 3.7.8 The Director of Law and Governance is authorised:
- (a) to institute legal proceedings for the recovery of mortgage arrears;
 - (b) to approve the release of land subject to a Housing Act advance from the charge to the Council, subject to the Council's security not being affected;
 - (c) in consultation with the Executive Director for Corporate Services, to grant loans under the Housing (Service Charge Loans) Regulations 1992 on suitable conditions;
 - (d) to approve licences of areas of land to tenants and owner-occupiers on suitable terms and conditions;
 - (e) in consultation with appropriate Officers, to grant wayleaves to statutory undertakers;
 - (f) to determine claims for adverse possession in respect of Council land;
 - (g) to authorise the completion of Deeds of Variation/Release in respect of land formerly owned by the Commission for the New Towns where necessary to allow a Council scheme to proceed, subject to no payment being involved (other than costs).

Legal - Community Safety

- 3.7.9 The Director of Law and Governance is authorised:
- (a) to take appropriate action under Sections 70 and 167 of the Criminal Justice and Public Order Act 1994;
 - (b) to exercise the powers and duties of Section 36 of the Local Government (Miscellaneous Provisions) Act 1982 - Control of Fly Posting, and section 132 Highways Act 1980, where attached to buildings or structures
 - (c) to agree with Cambridgeshire Constabulary the necessary parking and traffic arrangements for the annual Remembrance Sunday Parade
 - (d) in relation to private sector housing, to authorise the application for and institute proceedings orders and notices in pursuance of the Anti-Social Behaviour, Crime and Policing Act 2014 and other relevant interventions to promote Community Safety.

Room Hire

3.7.10 The Director of Law and Governance is authorised:

- (a) to make future updates of the room hire pricing structure, together with the annual room hire price increases up to and including the annual inflation figure applied by the Council during the annual budget setting process;
- (b) to allow subsidised or free use of the Council's meeting rooms contrary to the usual conditions on occasions where this is in the Council's best interests, in accordance with the Council's room hire policy.

Other Matters

3.7.11 The Director of Law and Governance is authorised

- (a) to act as Proper Officer for the Coroner's Service;
- (b) to make appointments to partnerships and other outside organisations following consultation with all political Group Secretaries in accordance with the Council's agreed procedure. Any disputed/unresolved appointments to be referred to the Leader of the Council for determination.

3.8 Delegations to Officers: Executive Director for Corporate Services

Finance

3.8.1 The Executive Director for Corporate Services is authorised:

- (a) to write off as being irrecoverable, debts of any type up to a value of £10,000;
- (b) to write off stock surpluses and deficiencies and dispose of obsolete stock, in conjunction with the relevant Director, to a level agreed by the Council;
- (c) to open subsidiary banking accounts and, for all bank accounts, to negotiate new and amended facilities, changes in terms and operations as required;
- (d) to act as the Council's Registrar of Stocks, Bonds and Mortgages;
- (e) to raise and repay loans, and pay interest thereon, in accordance with the Council's borrowing strategy for the time being;
- (f) to make investments of the Council's monies with institutions approved by the Council;
- (g) to manage internal arrangements, including insurance provisions and approve payments to be made in relation to claims;
- (h) to obtain insurance cover, appointing insurers, insurance brokers and loss adjusters as necessary and negotiate and agree the settlement of claims with the Council's insurers;
- (i) to approve requests by Directors for additions/amendments to the authorised signatory schedule;
- (j) to certify cheques, girocheques, standing order/BACs payment mandates;
- (k) to receive and process housing benefit and council tax benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments;
- (l) to administer Discretionary Housing Payments;
- (m) to attend, as necessary, valuation and council tax tribunal hearings; and
- (n) to enter into agreements for deferred payment of NNDR, subject to registration of a charge on the Land Register, and in accordance with Council policy;
- (o) to administer operating leases and other financing agreements (following initial approval of such schemes) including the making of relevant payments;
- (p) to implement pay awards to employees;

- (q) to act as Deputy Electoral Registration Officer;
- (r) to authorise Discretionary Rate Relief under £500,000.

3.8.2 The Executive Director for Corporate Services and the Director of Law and Governance are authorised to recover by action or otherwise debts, rates and council tax owed to the Council.

Housing benefit

3.8.3 The Executive Director for Corporate Services is authorised:

- (a) to determine claims for additional rent rebate, and make use of the Housing Benefit Regulations allowing direct deductions from all state benefits in the recovery of overpaid housing benefit;
- (b) to determine the Council's local average rate under the Housing Act 1985 and to approve changes in mortgage interest rates;
- (c) to offer administrative penalties under section 15 of the Social Security Administration (Fraud) Act 1997 where the circumstances of an overpayment are appropriate, as an alternative to prosecution, in respect of housing and council tax benefit;
- (d) to receive and process housing benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of the housing benefit payments;
- (e) to use an external debt collection agency for the recovery of overpaid housing benefits where other recovery procedures are inappropriate.

Information and Communications Technology

3.8.4 The Executive Director for Corporate Services is authorised in the event of any emergency preventing normal operations to make alternative arrangements for the continuation of information technology and communication services.

Emergency Planning

3.8.5 The Executive Director Corporate and Customer Services is authorised to ensure adequate arrangements are made for Emergency Planning under the Council's Statutory obligations, in consultation with the Chief Executive and the Leader of the Council.

Registration Service, Cemeteries and Crematoria

3.8.6 The Executive Director for Corporate Services is authorised to act as Proper Officer for the Registration Services.

3.8.7 The Executive Director for Corporate Services is authorised to manage cemeteries and crematoria

Regulatory Services

3.8.8 To authorise the Executive Director of Place and Economy:

- (a) to exercise the powers and duties conferred on officers of a Weights and Measures Authority by the Commissioners of Customs and Excise under Section 8(2) of the Customs and Excise Management Act 1979 or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument,

Regulation or Byelaw made under the Act;

- (b) to exercise the powers and duties conferred on a Weights and Measures Authority by Section 169i of The Licensing Act 1964, or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument, Regulation or Byelaw made under the Act;
- (c) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
 - (i) Food Safety Act 1990;
 - (ii) take action under the Sunday Trading Act 1994 and to institute legal proceedings in respect thereof;
 - (iii) Anti-Social Behaviour, Crime and Policing Act 2014, Part 4 Community Protection;
 - (iv) Clean Neighbourhoods and Environment Act 2005, Part 7 Section 77 and Sections 82 - 86;
 - (v) Environmental Protection Act 1990, Part 1 Prescribed Processes, Part 2A Contaminated Land, Part 3 Statutory Nuisances, Schedule 1 Processes, Schedule 3 Powers for Warrants;
 - (vi) Public Health Acts 1936 & 1961;
 - (vii) Public Health (Control of Diseases) Act 1984;
 - (viii) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director for Place and Economy also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995;
 - (ix) Prevention of Damage by Pests Act 1949;
 - (x) Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - (xi) Anti Social Behaviour Act 2003, Part 8 High Hedges, Part 6 Section 42 Noise at Night;
 - (xii) Avian Influenza and Influenza of Avian Origin in Mammals (England) Order 2006;
 - (xiii) Clean Air Act 1993;
 - (xiv) Environment Act 1995;
 - (xv) Water Industry Act 1991;
 - (xvi) National Assistance Act 1948 and 1951;
 - (xvii) Noise and Statutory Nuisance Act 1993;
 - (xviii) Control of Pollution Act 1974;
 - (xix) Licensing Act 2003;
 - (xx) Local Government (Miscellaneous Provisions) Act 1976 and 1982;
 - (xxi) Pollution Prevention and Control Act 1999;
 - (xxii) Health Act 2006;
 - (xxiii) Regulation of Investigatory Powers Act 2000;
 - (xxiv) European Communities Act 1972; and
 - (xxv) Noise Act 1996.

Environmental Protection and control functions

Any functions relating to contaminated land	Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part
---------------------------------------------	------------------------------------------------------------------------------------------------------

Service of an abatement notice in respect of statutory nuisance	Section 80 of the Environmental Protection Act 1990
Discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), Part I of the Environmental Protection Act 1990 (c.43), Clean Air Act 1993 (c.11)
Investigation of any complaint as to the existence of a statutory nuisance	Section 79 Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Section 8 Noise and Statutory Nuisance Act 1993 (c.40)
Inspection of the authority's area to detect any statutory nuisance	Section 79 Environmental Protection Act 1990
Consenting to the operation of a loudspeaker	Schedule 2 Noise and Statutory Nuisance Act 1993

- (d) to take action in relation to private water supplies under the Water Industry Act 1991;
- (e) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the Acts and Regulations listed in the delegation to this officer, or any statutory re-enactments or modification thereof, or any Orders made thereunder, so far as the same or any of them may permit or require;
- (f) to carry out duties in connection with a Consumer Complaint and Advisory Service, to test tyre pressure gauges and to inspect and test weighting and measuring equipment at school canteens, clinics and other Council establishments;
- (g) undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions (see para 2.5.4));
- (h) exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.

3.8.9 In association with the functions delegated in the table below and elsewhere in the officer scheme, the Executive Director Place and Economy is authorised:

- (a) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the Acts, Orders or Regulations listed in the delegation to this officer;
- (b) to sign documents, notices or certificates arising from the use of any of these delegated powers;

- (c) to fix, waive or vary charges in appropriate circumstances where no statutory fee is prescribed, in consultation with the relevant executive portfolio holder;
- (d) to authorise, subject to no complaints being received, exemption orders under the Sporting Events (Control of Alcohol) Act 1985.

3.8.10 That the Executive Director Place and Economy is authorised to deliver the following functions and compliance with associated legislation on behalf of Peterborough City Council and Cambridgeshire County Council:

- (a) Delegated authority for exercising all functions of the Council relating to Trading Standards;
- (b) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts in accordance with approved policies and financial procedure rules in relation to Trading Standards.

To authorise officers for the purpose of trading standards functions:

(i) to exercise all the powers and duties conferred by and in the implementation of the Acts, Order or Regulations listed below or any Act, Order or Regulation extending or amending the same or any Order, Regulation or By-law made there under;

(ii) to exercise all the powers and duties conferred by and in the implementation of any other legislation having a broadly similar purpose to those referred to in the Schedule below relating to fair trading, consumer protection or related issues;

(iii) to exercise further powers and duties relating to the Trading Standards function as may be enacted from time to time in Acts, Orders and Regulations and to update the list to reflect these changes (and so far as this relates to Cambridgeshire County Council, following consultation with the Chair of the Highways and Community Infrastructure Committee);

(iv) to prosecute before a Magistrates' Court any information, complaint or proceedings arising under any of the said Acts, Orders or Regulations in accordance with Section 223 of the Local Government Act 1972;

(v) to initiate legal proceedings arising from any of the above legislation or from any related subordinate legislation;

(vi) to appear in the Magistrates' Court and to conduct relevant proceedings;

(vii) to prosecute cases brought under any of the relevant statutory provisions set out in Schemes 1 to the Health and Safety at Work Act 1974 and which are already enforced by the Department, in accordance with Section 39 of the Act;

(viii) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the above mentioned Acts and Regulations, or any statutory re-enactments or modification thereof, or any Orders made there under, so far as the same or any of them may permit or require;

(ix) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the above Acts, Orders or Regulations;

(x) to sign documents, notices or certificates arising from the use of any of these delegated powers.

Schedule of Acts, Regulations and Orders exercised:

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970 and 1985
- Agriculture Act 1970
- Agriculture (Miscellaneous Provisions) Act 1968
- Air Quality (Domestic Solids Fuels Standards) (England) Regulations 2020
- Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling etc. and Enforcement)(England) Regulations 2015
- Animal Health Acts 1981 & 2002
- Animal Welfare Act 2006
- Animals Act 1971
- Anti-Social Behaviour Act 2003
- Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
- Brucellosis (England) Order 2015
- Cancer Act 1939
- Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
- Children and Families Act 2014
- Children and Young Persons (Protection from Tobacco) Act 1991
- Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986 and the Children and Young Persons (Protection from Tobacco) Act 1991
- Clean Air Act 1993 - – Motor Fuel (Composition and Content) Regs.
- Companies Act 1985; 2006
- Consumer Credit Act 1974
- Consumer Protection Act 1987
- Consumer Rights Act 2015
- Copyright, Designs and Patents Act 1988
- Criminal Justice Act 1988
- Criminal Justice; Police Act 2001
- Criminal Justice Act 1996 as amended by the Offensive Weapons Act 1997
- Customs; Excise Management Act 1979
- Dangerous Substances and Explosives Atmospheres Regulations 2002
- Education Reform Act 1988
- Enterprise Act 2002
- Environmental Protection (Microbeads)(England) Regulations 2017
- Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020
- Estate Agents Act 1979
- European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:
 - Advanced Television Services Regulations 2003
 - African Horse Sickness (England) Regulations 2012
 - Animal By Products (Enforcement)(England) Regulations 2013
 - Animal Feed (Basic Safety Standards) (England) Regulations 2019
 - Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018

- Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015
- Avian Influenza (Preventive Measures) (England) Regulations 2006
- Avian Influenza (Vaccination) (England) Regulations 2006
- Beef and Veal Labelling Regulations 2010
- Biofuel (Labelling) Regulations 2004
- Bluetongue Regulations 2008
- Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
- Business Protection from Misleading Marketing Regulations 2008
- Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (as amended 2009)
- Cattle Identification Regulations 2007
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) 2012
- Cosmetic Products Enforcement Regulations 2013 and EU Cosmetic Products Regulation 1223/2009
- Country of Origin of Certain Meats (England) Regulations 2015
- Crystal Glass (Description) Regulation 2016
- Detergents Regulations 2010
- Diseases of Swine Regulations 2014
- EC Fertilisers (England and Wales) Regulations 2006
- Eggs and Chicks (England) Regulations 2009
- Electrical Equipment (Safety) Regulations 2016
- Electromagnetic Compatibility Regulations 2016
- Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
- Energy Efficiency (Private Rented Property)(England and Wales) (Amendment) Regulations 2019
- Energy Information Regulations 2011
- Energy Performance of Buildings (England & Wales) Regulations 2012 in so far as they relate to DEC Certificates and Air Conditioning Units
- Equine Identification (England) Regulations 2018
- Financial Services (Distance Marketing) Regulations 2004
- Fluorinated Greenhouse Gases Regulations 2015
- Food or Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020
- Food for Specific Groups (Information and Compositional Requirements)(England) Regulations 2016
- Food Information Regulations 2014
- Food Safety and Hygiene Regulations 2013
- Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2006
- Footwear (Indication of Composition) Labelling Regulations 1995
- Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
- General Product (Safety) Regulations 2005
- Genetically Modified Organisms (Traceability and Labelling)(England) Regulations 2004
- Materials and Articles in Contact with Food (England) Regulations 2012
- Measuring Container Bottles (EEC Requirements) Regulations 1977
- Measuring Instruments Regulations 2016

- Non-Automatic Weighing Instruments Regulations 2016
 - Novel Foods (England) Regulations 2018
 - Official Controls (Animals, Feed and Food) (England) Regulations 2006
 - Official Feed and Food Controls (England) Order 2009
 - Olive Oil (Marketing Standards) Regulations 2014
 - Organic Products Regulations 2009
 - Ozone Depleting Substances Regulations 2015
 - Package Travel and Linked Travel Arrangements Regulations 2018
 - Packaging (Essential Requirements) Regs 2015
 - Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
 - Personal Protective Equipment (Enforcement) Regulations 2018
 - Poultry Meat (England) Regulations 2011
 - Pressure Equipment (Safety) Regulations 2016
 - Products of Animal Origin (Disease Control) (England) Regulations 2008
 - Pyrotechnic Articles (Safety) Regulations 2015
 - Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
 - Quick Frozen Foodstuffs (England) Regulations 2007
 - Radio Equipment Regulations 2017
 - REACH Enforcement Regulations 2008
 - Recreational Craft Regulations 2017
 - Registration of Establishments (Laying Hens) (England) Regulations 2003
 - Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
 - Scotch Whisky Regulations 2009
 - Simple Pressure Vessels (Safety) Regulations 2016
 - Specified Products from China (Restrictions on First Placing on Market) (England and Wales) Regulations 2008
 - Spirit Drinks Regulations 2008
 - Supply of Machinery (Safety) Regulations 2008
 - Textile Products (Labelling and Fibre Composition) Regulations 2012
 - Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
 - Tobacco and Related Products Regulations 2016
 - Toys (Safety) Regulations 2011
 - Trade in Animals and Related Products Regulations 2011
 - Transmissible Spongiform Encephalopathies (England) Regulations 2018
 - Veterinary Medicines Regulations 2013
 - Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
 - Weights and Measures (Packaged Goods) Regulations 2006
 - Welfare of Animals and Time of Killing (England) Regulations 2015
 - Wine Regulations 2011
 - Zoonoses (Monitoring) (England) Regulations 2007
- Explosives Acts 1875 and 1923
 - Explosives Regulations 2014
 - Fire Safety and Safety of Places of Sport Act 1987
 - Fireworks Act 2003
 - Food Act 1984
 - Food and Environment Protection Act 1985
 - Food (Promotion and Placement) (England) Regulations 2021
 - Food Safety Act 1990
 - Forgery and Counterfeiting Act 1981

- Fraud Act 2006
- Hallmarking Act 1973 (As Amended)
- Health Act 2006
- Health and Safety at Work etc., Act 1974 S.19,20 ,21,22, 25, 38 and 39
- Knives Act 1997
- Leasehold Reform (Ground Rent) Act 2022
- Legal Services Act 2007
- Licensing Act 2003
- Malicious Communications Act 1988
- Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018
- Medicines and Medical Devices Act 2021
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
- Motorcycle Noise Act 1987
- Offensive Weapons Act 2019
- Olympic Symbol etc (Protection) Act 1995
- Package Travel, Package Holidays etc Regulations 1992
- Petroleum (Consolidation) Regulations 2014
- Prices Acts 1974 and 1975
- Proceeds of Crime Act 2002
- Protection of Animals Act 1911
- Protection from Harassment Act 1997
- Planning Act 2016 as it relates to Client Money Protection Schemes
- Psychoactive Substances Act 2016
- Public Health Act 1936 and 1961
- Quality Schemes (Agriculture Products and Foodstuffs) Regulation 2018
- Redress Schemes for Letting Agencies Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014
- Registered Designs Act 1949
- Regulatory Reform (Fire Safety) Order 2005
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1988 and 1991
- Road Traffic Offenders Act 1988
- Road Traffic Regulation Act 1984
- Safety of Sports Grounds Act 1975
- Single Use Carrier Bags Charges (England) Order 2015
- Tenant Fees Act 2019 and the Housing and Planning Act 2016 as it relates to Client Money Protection Schemes
- Thefts Acts 1968
- Tobacco Advertising; Promotion Act 2002
- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Unsolicited Goods and Services Acts 1971 and 1975
- Vehicles (Crime) Act 2001
- Video Recordings Acts 1984, 1993 and 2010
- Weights and Measures Acts 1976 and 1985

to incur expenditure under Section 137 of the Local Government Act 1972 for the purpose of test purchases, testing fees, production of information and other necessary expenses in affording the provision of advice, information and assistance;

To authorise, subject to no complaints or objections being received, exemption orders under the Sporting Events (Control of Alcohol) Act 1985

3.8.10.1 Officers of Regulatory Services are hereby authorised to act under and carry out the functions conferred on the Local Authority (Peterborough City Council) by the Public Health (Control of Disease) Act 1984 (the "Act") as amended, and any subordinate legislation made under the Act, in particular, but not limited to the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, as amended.

School Finance

3.8.11 The Executive Director for Corporate Services is authorised:

- (a) to monitor schools' financial arrangements to ensure accountability and value for money;
- (b) to implement revised arrangements for bank accounts in schools;

Markets

3.8.12 The Executive Director Place and Economy is authorised:

- (a) to operate the Council's market and determine the licences to hold markets, to manage the Council's market on a weekly basis, to negotiate, grant and terminate licences for stalls including change of use in accordance with the agreed policies and also to supervise markets licensed by the Council;
- (b) to open the market for additional days during the Christmas period.

Highways, Street Furniture and Parking

3.8.13 The Executive Director for Place and Economy is authorised to review parking charges and parking management, to change or adjust fees and parking charges during any financial year where necessary to meet budgetary targets.

3.8.14 The Executive Director for Place and Economy is authorised to be responsible for the issue of concessionary parking badges ('Blue Badges') to motor vehicles used by disabled persons and to deal with the refusal to issue and withdrawal of concessionary parking badges within the terms of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

3.8.15 The Executive Director for Place and Economy is authorised:

- (a) to determine the charges payable by hirers of electricity in Bridge Street;
- (b) following consultation with the Ward Member(s), to approve suitable sites for the erection of bus shelters, seats etc
- (c) to approve the erection of banners and signs over streets;
- (d) to appoint debt collection agencies to pursue unpaid Excess Charge Notices in accordance approved criteria;

Town Twinning and Tourism

3.8.16 The Executive Director for Place and Economy is authorised:

- (a) to promote the Council's twinning partnership and friendship links and to allocate

- grants in accordance with approved policy;
- (b) to manage the Tourist Information Centre and exercise the Council's powers under Section 144 of the Local Government Act 1972 (Tourism etc.).

City centre management

3.8.17 The Executive Director for Place and Economy is authorised to manage Queensgate Bus Station.

3.8.18 The Executive Director for Place and Economy is authorised:

- (b) to issue or refuse vehicle parking permits within the city centre pedestrian area.
- (c) to maintain the Council's car parks and on-street parking facilities, including residents parking zones;
- (d) to oversee the provision and management of on and off street car parking, including, setting charges for future financial years, entering into agreements for the use of parking spaces at special negotiated rates; and approving a three year rolling investment programme of works for future financial years.

Hackney Carriage and Private Hire vehicles

3.8.19 The Executive Director of Place and Economy is authorised:

- (a) to consider representations and determine increases in Hackney Carriage fares, to enable requests for fare increases from the Hackney Carriage trade to be dealt with promptly;
- (b) to carry out all necessary consultation and formal advertisement relating to the appointment of stands for Hackney Carriage vehicles under the Local Government (Miscellaneous Provisions) Act 1976 including the consideration of any objections or representations received and the subsequent appointment or revocation of appointment of such stands;
- (c) to ensure appropriate arrangements are in place for the testing of Hackney Carriage and Private Hire vehicles.

Vivacity Culture and Leisure

3.8.20 The Executive Director of Place and Economy is authorised to manage arrangements with Vivacity Culture and Leisure to procure a range of community based opportunities to the broadest possible cross-section of the community, in accordance with approved policy, including:

- (a) opening and closing seasonal facilities;
- (b) administering bookings of facilities;
- (c) varying the fees and charges for community facilities;
- (d) authorising free, one-off or reduced charges for the use of facilities;
- (e) approving requests from non-residents for concessionary swimming passes to be used in association with the GP referral scheme at Bushfield Sports Centre;
- (f) closing part or all of a facility for maintenance, including in cases of emergency, or if insufficient staff are available to meet policy, safety or legislative standards;
- (g) arranging shows and productions, and setting ticket prices, at the Key Theatre to

- obtain the best possible financial arrangements and a balanced usage;
- (h) arranging and/or enabling musical or other artistic promotions; managing the Museum and Art Gallery including:
- management of its facilities, possessions and exhibitions;
 - acquiring, by donation and purchase, items, having regard to the collection policy and within available budgets; and
 - disposing of surplus and/or unwanted items according to the agreed disposal policy;
- (i) managing the library service including:
- changing the number of hours in which each library is open;
 - stock purchase;
 - changing library charges;
 - changing mobile library routes and stopping times;
 - authorising exhibitions in libraries;
 - removing, or requiring removal of, any material in an exhibition or which does not accord with Council policy.

Other Services

3.8.21 The Executive Director for Place and Economy is authorised to manage operational services which includes in its scope the broad service elements of:

- (i) refuse and recycling (and related) collections;
- (ii) street cleansing;
- (iii) parks, trees and open spaces (including some limited ground maintenance functions at cemeteries and the crematorium);
- (iv) property design and maintenance;
- (v) building cleaning;
- (vi) corporate and schools catering;
- (vii) courier service;
- (viii) passenger and home to school

Waste

3.8.22 The Executive Director for Place and Economy is authorised to:

- (a) To carry out the functions of the Council in its capacity as the Waste Collection Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008 and Regulations made thereunder and to make arrangements for the following collections:
- (i) household waste and recycling;
 - (ii) bulky household goods;
 - (iii) clinical waste collections;
 - (iv) commercial waste; and
 - (v) bring banks.
- (b) To carry out the functions of the Council in its capacity as the Waste Disposal Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008

and Regulations made thereunder and to arrange for the disposal and/or treatment of waste whether through the Council's facilities or by other means.

- (c) To manage arrangements for operating the Council's facilities as follows:
 - (i) materials recycling facility;
 - (ii) household recycling facility in line with the Refuse Disposal (Amenity) Act 1978; and
 - (iii) WEEE facility in line with the Waste Electrical and Electronic (WEEE) Regulations 2006.

Street Cleansing

3.8.23 The Executive Director for Place and Economy is authorised:

- (a) To ensure that relevant land (eg. highways, streets, city centre, the Council's car parks) are kept clean and clear of litter, refuse and fly tipping and that such waste is disposed of or treated in line with Section 89 of the Environmental Protection Act 1990 and Code of Practice on Litter and Refuse;
- (b) To ensure the emptying, cleaning, replacing and providing additional litter bins in streets and to take enforcement action in conjunction with the Director of Operations;
- (c) To ensure illegally erected signs, fly posting and graffiti on highway or Council owned land are removed and to take enforcement action in conjunction with the Executive Director for Place and Economy;
- (d) To ensure attendance for cleaning services at road traffic incidents, flooding and other such emergencies;
- (e) To remove, retain and return abandoned shopping trolleys in line with Part 4 of the Environmental Protection Act 1999 and Section 99 of the Clean Neighbourhoods and Environment Act 2005;
- (f) To serve notices, take appropriate action and make arrangements for inspecting, removing, retaining and disposing of abandoned vehicles in line with the Refuse Disposal (Amenity) Act 1978 and to act with other statutory organisations to remove untaxed vehicles from highways and public open spaces.

3.8.24 Parks, Trees and Open Spaces:

To manage, maintain and develop the strategy for the Council's parks, trees and open spaces and to make arrangements for maintenance and cleaning operations to be carried out in such areas in line with the Environmental Protection Act 1990, Code of Practice on Litter and Refuse and legislation relating to wildlife and protected species, biodiversity and the Council's aspirations to be recognised as the Environment Capital.

3.8.25 Passenger and Home to School Transport

3.8.26 To make arrangements for the provision of passenger transport and home to school transport services in conjunction with the Executive Director of Place and Economy on behalf of the Council.

3.8.27 The Executive Director for Place and Economy is authorised:

- (a) to exercise discretion in the implementation of the Council's policy for home to school and college transport, ensuring that the LEA's statutory duties and discretionary powers relating to free or assisted home to school transport are met (This discretion to be exercised for pupils eligible for mainstream or special educational needs transport);
- (b) to approve and vary an appropriate charge or parental contribution to the cost of assisted transport where the Council has no statutory duty to provide free transport.

Catering

3.8.28 To ensure appropriate provision of corporate catering where necessary in Children's schools.

Building cleaning

3.8.29 To ensure that building cleaning and associated services to the Council's premises (including attendance and facilities management of public conveniences).

Courier service

3.8.30 To ensure appropriate provision of courier services on behalf of the Council and its customers in conjunction with other Directors as appropriate.

3.9 Delegations to Officers: Executive Director for Children and Young People's Services (Education Provision)

Special Educational Needs and Disabilities (SEND)

3.9.1 The Executive Director for Children and Young People's Services is authorised:

- (a) to take all steps necessary to identify whether a child has special educational needs, including the making, maintaining and reviewing of Education, Health and Care Plans for such children and to secure appropriate provision to meet those needs;
- (b) to arrange, monitor and review school placement and support for children with special educational needs and prepare transition plans;
- (c) secure arrangements to improve the educational attainment of looked-after children;
- (d) to develop close inter-agency partnerships with health organisations to ensure that children with complex medical, emotional and behavioural needs and their families enjoy a co-ordinated service focused on their needs;
- (e) to undertake functions of planning and commissioning in relation to the statutory responsibilities for Learning and Skills for 16-19 year olds and for 16-25 year old learners with learning difficulties or disabilities.

School Organisation

3.9.2 The Executive Director for Children and Young People's Services is authorised:

- (a) to submit representations, as appropriate, on statutory proposals affecting educational provision in the City;
- (b) to agree specifications and design of new school buildings and extensions, subject

to their meeting national and local specifications and following consultation with all relevant partners, the Executive Member with education responsibilities, and also the Chairman and Group Representatives on the relevant Scrutiny Committee.

- (c) to make appointments (other than Councillor appointments) to the School Organisation Committee in accordance with the Committee's terms of reference.

- 3.9.3 The Executive Director for Children and Young People's Services and the Director of Law and Governance are jointly authorised, following resolution by the Cabinet or relevant Executive Member, to publish Statutory Notices of LEA proposals to establish, alter or discontinue a school, including changes in a school's standard number for admissions, under Part II of the School Standards and Framework Act 1998 and subsequent legislation.

Admissions

- 3.9.4 The Executive Director for Children and Young People's Services is authorised:
- (a) to review admissions arrangements for maintained schools and publish information for parents;
 - (b) to select lay members and persons experienced for appointment to the Independent Education Appeals panels in accordance with the School Standards and Framework Act 1998 and any subsequent legislation.
 - (c) to establish policies and practices for ensuring Traveller children are able to access schools.

Education Welfare/Support to Pupils

- 3.9.5 The Executive Director for Children and Young People's Services is authorised:
- (a) to promote and enforce regular school attendance and to take all steps which are necessary for this purpose;
 - (b) to exercise discretion in the management of financial assistance to pupils in the light of changes in national regulations issued by the Benefits Agency;
 - (c) to determine, in accordance with LEA policy, applications for discretionary student awards subject to student rights of appeal.

School Standards, Quality and Effectiveness

- 3.9.6 The Executive Director for Children and Young People's Services is authorised:
- (a) to monitor the performance of all schools, ensuring they have the necessary information to set and meet demanding targets for all groups of pupils, including those from ethnic and cultural minorities;
 - (b) to facilitate and monitor an action plan for raising the attainment of all groups of vulnerable learners;
 - (c) to identify and monitor improvements in schools causing concern or likely to do so, in liaison with the Office of the Regional Schools Commissioner where such schools are not maintained by the local authority;
 - (d) to provide advice to school governing bodies on the appropriateness of the exclusion of pupils, including an LEA statement to the Discipline Committee, for example, on how other schools in the City have responded to similar incidents;
 - (e) to ensure that suitable education is provided for excluded pupils;
 - (f) to ensure the provision of information and advice to schools on school management, curriculum and the teaching profession;
 - (g) to exercise, on behalf of the Council, the approved arrangements for the

- consideration of complaints on school curriculum, religious worship and related matters;
- (h) to make appointments (other than councillor appointments) to the Standing Advisory Committee for Religious Education in accordance with agreed arrangements;
 - (i) to arrange for the establishment and operation of the Schools Forum;
 - (j) to make non-Councillor appointments to the School Organisation Committee.

Education Strategic Management: Co-opted Members and School Governors

3.9.7 The Executive Director for Children and Young People's Services is authorised:

- (a) to approve arrangements for the election and appointment of co-opted members (Church of England, Roman Catholic, and parent governor representatives) and (Teacher) Advisers to sit on overview and scrutiny committees dealing with education matters;
- (b) to make by order Instruments of Government for schools in accordance with model forms prescribed by statute;
- (c) to agree with promoters the composition of temporary governing bodies for new schools in accordance with the requirements of the Education Act 1996 and subsequent legislation;
- (d) to provide advice to school governing bodies, only in exceptional circumstances, where the governing body are unable to appoint a Clerk.

Personnel

3.9.8 The Executive Director for Children and Young People's Services is authorised:

- (a) to refer to the police, following consultation with the Director of Law and Governance, cases of assaults on staff where a prosecution is considered to be warranted either for assault, or malicious damage, or incidents under the provisions of Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 547 of the Education Act 1996, if the member of staff involved agrees;
- (b) to decide, in consultation with the Director of Law and Governance and if action is appropriate, to assist a member of staff with legal representation in taking action in such cases of assault, where the police have decided not to bring proceedings;
- (c) to approve voluntary early retirement by school staff in the interests of efficiency, in line with the Authority's agreed policy;
- (d) to issue guidance to governing bodies on the criteria to be used in applying the local discretion available to them under the School Teachers Pay and Conditions documents;
- (e) to exercise discretion under the School Teachers Pay and Conditions documents in relation to the number of incentive allowances, the starting salary of new appointments, additional increments to new appointments employed centrally;
- (f) to secure that appraisal is carried out and headteacher appraisers appointed in accordance with the current Regulations and any subsequent changes, including adjustments to their role following the Green Paper and Technical Document.

Partnership working and relations with Statutory and Voluntary Organisations

3.9.9 The Executive Director for Children and Young People's Services is authorised:

- (a) to work with local partners, including social services, health, police, probation services and voluntary organisations to contribute to cross-cutting approaches to tackle deprivation, raise the level of education and training among young people and adults and contribute to the social and economic development of the City. In this context, formal partnerships will include Health and Wellbeing Board and Safer Peterborough Partnership, Adult and Children Safeguarding Board.
- (b) to authorise the participation in Community Safety Schemes and the delegation of powers to Council staff and contractors as permitted by Schedule 56 of the Police Reform Act 2002.
- (c) to implement, monitor and review service level agreements with, and small grants to voluntary organisations in relation to education, consistent with the Council's agreed policy, criteria and conditions.

3.10 Delegations to Officers: Executive Director for Children and Young People's Service

Children and families (social care) functions

3.10.1 The Executive Director for Children and Young People's Services is authorised to carry out the following functions under the Children Act 1989 and associated legislation with the exception of Section 57 closures of controlled or assisted community homes:

- (a) Provision of welfare reports to the Court
- (b) Consent applications for residence orders in respect of children in care
- (c) Family assistance orders
- (d) Functions under Part III of the Act (Local Authority support for children and families)
- (e) Care and supervision
- (f) Protection of children
- (g) Functions in relation to community homes, voluntary homes and voluntary organisations, private arrangements for fostering children.
- (h) Inspection of children's homes on behalf of the Secretary of State
- (i) Research and information returns
- (j) Functions in relation to children accommodated by Health Authorities and Local Education Authorities or in residential care, nursing or mental nursing homes or in independent schools
- (k) Functions in relation to the Carers and Disabled Children Act 2000
- (l) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009

3.10.2 The Executive Director for Children and Young People's Services is authorised to carry out the necessary functions and actions in relation to the following matters:

- (a) loans to Foster Carers to purchase motor vehicles
- (b) Adoption Allowances
- (c) Residence Order Allowances
- (d) to determine foster care allowances and special and incidental expenses in special cases in connection with holiday grants
- (e) to approve, in consultation with the Executive Director for Corporate Services, all loans to foster parents not exceeding £25,000
- (f) to determine the amount of a loan to foster carers to be repaid where the foster carers ceases to foster because they have adopted the child (or children)
- (g) to waive payment of parental contributions to the cost of children in care in cases

of hardship.

- 3.10.3 The Executive Director for Children and Young People's Services is authorised to act as consultee where the Local Education Authority proposes to apply for an Education Supervision Order under Section 36 of the Children Act 1989.
- 3.10.4 The Executive Director for Children and Young People's Services is authorised to make applications for the grant of Letters of Administration for the use and benefit of children in the care of the Council.
- 3.10.5 The Executive Director for Children and Young People's Services is authorised to exercise the powers of the Council in connection with legislation relating to adoption, including determining the size of, and members to be appointed to, the Adoption Panel.
- 3.10.6 The Executive Director for Children and Young People's Services is authorised to carry out the necessary functions in relation to:
 - (a) Part III of the Children and Young Persons Act 1933 in relation to the protection of the young in relation to criminal and summary proceedings etc;
 - (b) Part I of the Children and Young Persons Act 1963 in relation to young persons in need of care, protection or control and for the protection of the young in relation to criminal proceedings;
 - (c) Part I of the Children and Young Persons Act 1969 and Criminal Justice Act 1991 in relation to the case and other treatment of children and young persons through court proceedings;
 - (d) The Access to Information Act 1987, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;
 - (e) Section 26 of the Children Act 1989 in relation to the conduct of complaints procedures required to be provided by the Social Services Department.

3.11 Delegations to Officers: Executive Director for Adult Services (Adult Social care functions)

Community Care and Disability

- 3.11.1 The Executive Director Executive Director for Adult Services is authorised to carry out the necessary functions under:
 - (a) Part I of the Care Act 2014 and all related legislation in relation to:
 - (i) assessments of needs and the provision of care and support services to eligible adult persons and services for disabled persons;
 - (ii) assessment of carers needs and the provision support;
 - (ii) the making of payments to persons in respect of securing the provision of care and support services;
 - (b) Public Health (Control of Disease) Act 1984 Section 46(2) and (5) in relation to the burial and cremation of persons dying in accommodation provided under Part I of the Care Act 2014 and recovery of expenses from the deceased person's estate;
 - (c) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009.
 - (d) to approve, in consultation with the Executive Director for Corporate Services, loans up to £25,000 in respect of Disabled Facilities Grants, to assist clients in

- exceptional circumstances;
- (e) to approve the disposal of assets belonging to deceased residents to relatives or other persons entitled to them after payment or proper claims on account of funeral expenses or sums due to the Council.

Mental Health Functions

- 3.11.2 The Cambridgeshire and Peterborough Mental Health Partnership NHS Trust is authorised by Peterborough City Council under section 79 of the Care Act 2014 to:
- (i) provide or commission residential care and welfare services for people who have mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service;
 - (ii) carry out the assessment of needs for community care services for people who have mental health problems;
 - (iii) make provision for the welfare and accommodation of mentally disordered people
- 3.11.3 The Executive Director Executive Director for Adult Services is authorised to carry out the necessary functions under the Mental Health Act 1983 as follows:
- (a) Parts II, III and IV relating to the welfare of the mentally disordered, guardianship or persons suffering from a mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative or person so suffering;
 - (b) Sections 66, 67 and 69(1) in relation to the exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals;
 - (c) Sections 116 and 117 in relation to the welfare of certain hospital patients and after care of detained patients.

Health Related Functions

- 3.11.4 The Cambridgeshire and Peterborough CCG is authorised (through its Governance Group) to commission or provide all Health-related functions specified in Schedule 1 to the Local Authorities Social Services Act 1970 so far as they relate to adults for the duration of the Partnership Agreement set up under section 75 NHS Act 2006 except where prevented by statute, namely:
- (a) Provision of residential care, welfare services for people with disabilities, visual and hearing impairment, or who have mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service.
 - (b) Temporary protection of property belonging to people in hospital or accommodation provided under Part I of the Care Act 2014; paying the expenses of the officer acting as deputy for Property and Finance for a patient; prosecution for failure to maintain a person, giving false statements, and obstructing a person with power of entry and inspect;
 - (c) Assessment of needs for community care services;
 - (d) Direct Payments - Making of assessments and payments for purchasing care and support services to individuals whose level of need meets the Council's eligibility criteria for the provision of a service;
 - (e) Assessment of ability of carers to provide care;
 - (f) The provision of facilities for disabled people, including those with sensory disabilities to be employed or work under special conditions;
 - (g) Identifying the need for, and publishing information about welfare services, provision of certain services, and providing certain information to the Secretary of State;
 - (h) Representation and assessment of disabled persons;

- (i) The promotion of welfare of old people;
- (j) Financial and other assistance to voluntary organisations;
- (k) Co-operation in relation to homeless people and people threatened with homelessness.

Adult social care functions

- 3.11.5 The Executive Director for Adult Services is authorised to exercise functions under Section 26 of the Children Act 1989 and Section 7B of the Local Authority Social Services Act 1970 in relation to the conduct of complaints procedures required to be provided by the Social Services Department.

Data Protection

- 3.11.6 The Executive Director for Adult Services is authorised to exercise functions under the Data Protection Act 1998, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;

Registration

- 3.11.7 The Executive Director for Adult Services is authorised to determine applications for registration and, in appropriate circumstances, to vary the registration criteria in respect of:
- (a) All residential care homes across all sectors,
 - (b) Day care within the provisions of Part X of the Children Act 1989,

The Executive Director for Adult Services is authorised to inspect premises as permitted and required under the Registered Homes Act 1984 and the Children Act 1989.

Closer Integration with the CCG

- 3.11.8 The Executive Director for Adult Services, with the joint agreement of the Chief Executive of the CCG and the Chief Executive of the Council, will retain on behalf of the CCG, a range of specific responsibilities that until this agreement were either the sole responsibility of the CCG or a common responsibility as follows:
- (a) Older People's Services including older people's mental health
 - (b) Learning Disability Services
 - (c) People with Long Term Conditions
 - (d) Adult Mental Health and Substance Misuse, Social Care Services
 - (i) Adult Mental Health Services from Mental Health Trust and voluntary and private sector providers
 - (ii) Substance Misuse services from Mental Health Trust and voluntary and private sector providers
 - (iii) Specialist services (as part of a countrywide process)
 - (iv) Specialist out of area services.

3.12 Delegations to Officers: Executive Director for Place and Economy (Housing and Community Safety Functions)

Environmental Well-Being, and Community Safety and Prevention and Enforcement Service

3.12.1 The Executive Director for Place and Economy is authorised:

- (a) to manage Travellers' sites and implement the annual rent increase;
- (b) to deal with unauthorised encampments for Travellers in accordance with Council policy, good practice and statute, where necessary in liaison with the Director of Law and Governance, and to make applications to courts for the removal of unauthorised encampments.

3.12.2 The Executive Director for Place and Economy is authorised to:

- (a) manage partnerships and programmes in pursuance of the Community Safety Strategy agreed as part of the Council's responsibilities under the Crime and Disorder Act 1998 and the Police and Justice Act 2000 and the Police Reform Act 2002;
- (b) to meet the Council's duties under the Asylum Support (Interim Provisions) Regulations 1999;
- (c) to ensure that the Council's duties under section 17 of the Crime and Disorder Act are fully exercised, and oversee management of the Youth Offending Team;

3.12.3 The Executive Director for Place and Economy is authorised to:

- (a) nominate Officer representation on the Danger Zone Trust, such Officer to be authorised to co-ordinate and manage the Council support and input for Danger Zone;
- (b) institute legal proceedings in respect of prosecutions relating to the duty of care and litter under the Environmental Protection Act 1990.

3.12.4 The Executive Director for Place and Economy is authorised:

- (a) to approve sites for graffiti trials on property falling under the control of the Operations department;
- (b) to appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act;
- (c) to take all necessary action under the Dangerous Dogs Act 1991;
- (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992;
- (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship;
- (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:

- (i) Anti Social Behaviour, Crime and Policing Act 2014, Part 1 Injunctions, Part 2 Criminal Behaviour Orders, Part 3 Dispersal Powers, Part 4 Community Protection, Part 5 Recovery of Possession of Dwelling House, Part 6 Local Involvement and Accountability;
 - (ii) Clean Neighbourhoods and Environment Act 2005, Part 1 Crime and Disorder, Part 2 Vehicles, Part 3 Litter and Refuse, Part 4 Graffiti and Other Defacement;
 - (ii) Antisocial Behaviour Act 2003, Part 1 Premises Where Drugs are Used Unlawfully, Part 2 Housing, Part 3 Parental Responsibilities, Part 4 Dispersals of Group, Part 6 the Environment (except Section 42);
 - (iii) Prevention of Damage by Pests Act 1949, Section 4.
 - (iv) Housing and Planning Act 2016
- (g) exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
- (i) Abandonment of Animals Act 1960
 - (ii) Animals Act 1971
 - (iii) Anti Social Behaviour Act 2003
 - (iv) Control of Horses Act 2015
 - (v) Dangerous Dogs Act 1989
 - (vi) Dangerous Dogs Act 1991;
 - (vii) Dangerous Dogs (Amendment) Act 1997
 - (viii) Dogs Act 1871
 - (ix) Guard Dogs Act 1975
- (h) make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;
- (i) provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under Section 88(10) of the Environmental Protection Act 1990 and Section 47(1) of the Anti-Social Behaviour Act 2003.

3.13 Delegations to Officers: Service Director Adult Services and Communities

3.13.1 The Service Director Adult Services and Communities is authorised to issue, refuse to issue or withdraw concessionary parking badges ('blue badges') to motor vehicles for disabled persons.

3.14 Delegations to Officers: Executive Director for Place and Economy

3.14.1 The Executive Director for Place and Economy is authorised to approve requests from Ward Councillors for the use of the Community Leadership Fund which meet the criteria for use of money under the fund.

Private Sector Housing

3.14.2 The Executive Director for Place and Economy is authorised:

- (a) to waive repayment of grants made under the Housing Act 1985/Local Government and Housing Act 1989, Housing Grants, Construction and Regeneration Act 1996 (as amended) subject to being satisfied that the owner is elderly or infirm and is disposing of the property with the intention of moving into sheltered housing or residential care, or to be cared for by a relative;
- (b) to disallow fees and charges in connection with applications for renovation grants:
 - (i) in relation to the cost of the works being unreasonable;
 - (ii) the professional adviser or agent failing, in the opinion of the Officer, to do a satisfactory job;
- (c) to take appropriate action and issue all licences and notices (including notices of entry) under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and the Mobile Homes Act 1983 and the Mobile Homes Act 2013.
- (d) to determine all landlord's grant applications;
- (e) to take appropriate action under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994 including all issue of directions;
- (f) in consultation with the Director of Law and Governance to seek and execute orders for removal and/or the prosecution of offences under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994;
- (g) to issue all notices and take appropriate action under Parts VI and X of the Housing Act 1985 (as amended);
- (h) to issue all notices and take appropriate action under Parts VII, VIII and IX of the Local Government and Housing Act 1989 (as amended);
- (i) to take appropriate action in relation to health and wellbeing of occupants under the Housing Act 1988 and 1996;
- (k) to issue all licences, notices and orders and take appropriate actions under Parts I, II, III, IV, VI and VII of the Housing Act 2004;
- (l) to take appropriate action in relation to health under the Building Act 1984;
- (m) to deal with vacant property, in compliance with the Council's Empty Home Strategy, and including decision-making in respect of the most appropriate method of disposal of empty homes subjected to Compulsory Purchase Order.
- (n) to take appropriate action under Sections 33 and 35 of the Local Government (Miscellaneous Provisions) Act 1976;
- (o) in consultation with the Executive Director for Corporate Services to receive and investigate future applications for the approved list of Builders for Renovation Grants as are received and to determine whether or not each application should be included in the list;
- (p) to take appropriate action under Section 27 and 29 of the Local Government (Miscellaneous Provisions) Act 1982;
- (q) to serve deferred action notices under the Housing Grants Construction and Regeneration Act 1996;
- (r) to take all necessary action required in relation to the approval or refusal of grants as described under Part I, Housing Grants, Construction and Regeneration Act 1996 (as amended) and in compliance with the Council's Housing Renewal Policy;;
- (s) to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Director of Law and Governance to prosecute for failure to comply with any such notices;
- (t) to use powers contained in the Public Health Act 1936
- (u) to use powers contained in the Environmental Protection Act 1990 relating to statutory nuisances;
- (v) to use powers contained in the Prevention of Damage by Pests Act 1949;
- (w) to use appropriate powers of entry contained in the Public Health Act 1936,

Building Act 1984, Housing Act 1985, Local Government and Housing Act 1989 and Environmental Protection Act 1990;

- (x) to conduct appropriate inspections and produce necessary reports for the immigration service and make appropriate financial charge;
- (y) to exercise the Council's powers in connection with the investigation of complaints relating to the Protection from Eviction Act 1977, to be passed where appropriate to the Director of Law and Governance for court action if he/she is satisfied with the evidence;
- (z) to exercise the Council's powers contained in Chapter 24, Part 6, sections 83 – 88 of the Enterprise and Regulatory Reform Act 2013 and regulations made thereunder and any subsequent amending legislation.
- (z)(i) to exercise the Council's powers contained in Part 3, Chapter 3, of the Consumer Rights Act 2013 and regulations made thereunder and any subsequent amending legislation.
- (z)(ii) to take appropriate action under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- (z)(iii) to use powers contained within the Energy Act 2013.

Open spaces and landscape management

3.14.3 The Executive Director for Place and Economy is authorised, in consultation with the Director of Law and Governance:

- (a) to enter into agreements with developers for the construction and maintenance of open spaces on new developments at the developer's expense;
- (b) subject to the Executive Director for Corporate Services being satisfied with the construction thereof, to take a transfer of the land for a nominal consideration under Section 120 of the Local Government Act 1972.

3.14.4 The Executive Director for Place and Economy is authorised:-

- (a) to authorise the use of non-designated areas of open space for firework displays, subject to consultation with the Leader of the Council and approval by all the relevant ward councillors.
- (b) to let allotments, serve notices to cultivate and terminate allotment tenancies where there is a breach of the tenancy conditions;
- (c) to pursue discussions with entrepreneurs and developers up to outline stage of proposals for leisure-related developments;
- (d) to pursue discussions with voluntary groups, private clubs and other similar interests in pursuance of transferring direct managed services to management by such community groups;

Maps and rights of way

3.14.5 The Executive Director for Place and Economy is authorised:

- (a) to enter into contracts for the supply of Ordnance Survey Maps and data and to act as the Council's Ordnance Survey Liaison Officer;
- (b) to exercise all executive functions relating to public unmetalled footpaths, bridleways and byways open to all traffic.

- 3.14.6 The Executive Director for Place and Economy is authorised to carry out all necessary consultations and formal advertisement relating to Orders under the Road Traffic Regulation Act 1984, including consideration of objections and the subsequent making, modification or abandonment of the Order.

Buildings Act

- 3.14.7 The Executive Director for Place and Economy is authorised to determine applications for Building Regulation approval and associated matters and deal with all executive functions relating to:
- (a) building regulations approval and associated matters;
 - (b) the issue and acceptance of any notice under the Building Act 1984 and associated legislation;
 - (c) the taking of all appropriate action in relation to demolitions, defective premises and dangerous and dilapidated buildings under the Building Act 1984;
 - (d) any appropriate action in relation to health under the Building Act 1984.

Highways

- 3.14.8 The Executive Director for Place and Economy is authorised:
- (a) to exercise the executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority;
 - (b) to initiate representations to or respond to consultations from the various regulatory bodies concerned with the operation of road and rail passenger transport;
 - (c) to exercise the powers and duties of the Council in respect of the Highways Act 1980 relating to
 - (i) highways maintainable at public expense (s 37-40),
 - (ii) recovery of expense incurred (s59 and 305),
 - (iii) improving highways (s59),
 - (iv) providing HGV parking (s 115),
 - (v) stopping up/diverting highways (s116-129),
 - (vi) removing marks and repairing damage to highways/footways (s132-133),
 - (vii) controlling builders' skips (s 39-40),
 - (viii) preventing projections and overhangs onto the street (s 152-154, 286),
 - (ix) danger/annoyance to highway users (s161-167),
 - (x) cement mixing (s170),
 - (xi) construction of crossings (s176-184),
 - (xii) refuse bins (s185),
 - (xiii) transfer of land (238-262), emergency street barriers (s287),
 - (xiv) entry onto land (s 289-294),
 - (xv) material disposal (s 295) and doing work on others' behalf (s296),
 - (xvi) granting licence to cultivate the highway pursuant (s142);
 - (d) to make Traffic Regulation Orders (under the Road Traffic Regulation Act 1984) in connection with highway and sewer works, statutory undertakers' works and private events which require the temporary closure/diversion of any highway;
 - (e) to act on behalf of the Council in accordance with the powers contained in the Highways Act 1980 (especially section 132) and Town and Country Planning Act 1990 to deal with unauthorised signs and advertisements attached to street furniture or erected within the highway;
 - (f) to approve applications under the New Roads and Street Works Act 1991 (in relation

- to agreeing to carry out works in the highway at private expense);
- (g) to exercise the duties conferred by the Road Traffic Act 1984 in respect of weight limits for particular stretches of highway or bridges
- (h) to oversee the administration of the Concessionary Fares Scheme for rail and bus users;
- (i) undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate.

The Executive Director for Place and Economy is responsible for the Council's Carbon Management Programme and is authorised to carry out the powers and duties conferred by any relevant legislation and regulations, including, but not limited to, the Climate Change Act 2008 and the CRC Energy Efficiency Scheme Order 2010.

Street naming and numbering

- 3.14.9 The Executive Director for Place and Economy is authorised to carry out the functions of the Council in relation to the naming of streets and numbering of houses.

Housing Need and Allocations

- 3.14.10 The Executive Director for Place and Economy is authorised:

- (a) to determine nomination agreements with Housing Associations to meet housing need;
- (b) to agree financial assistance to homeless households in accordance with the provisions of the Housing Act 1985 (as amended) within agreed budgetary provision;
- (c) to negotiate and enter into agreements within established budgetary provision, with private owners and developers in respect of properties suitable for the private leasing scheme or other temporary accommodation in conjunction with the Director of Law and Governance, Executive Director for Corporate Services and Executive Director for Place and Economy;
- (d) to research, develop and enter into agreements with private landlords and social housing organisations relating to the Council's enabling role and maximising provision of accommodation resources for housing applicants;
- (e) to prepare for and, in conjunction with Director of Law and Governance, attend as necessary judicial review or appeals against decisions taken in respect of homeless applicants;
- (f) to hear and deal with review and appeals on decisions under Part VI (allocations) of the Housing Act 1996;
- (g) to decide upon the acceptance of submissions by housing associations for acquisition of existing satisfactory properties taking into account the location, number, type and size of dwellings and the relevance of these factors in meeting housing need;
- (h) to give advice and assistance to homeless families on homelessness and prevention of homelessness including helping them to secure accommodation if that is available within the Council's district.

Property Matters

3.14.11 The Executive Director for Corporate Services, in consultation with the Director of Law and Governance is authorised:

- (a) to peaceably re-enter and take possession of Council-owned land and buildings;
- (b) to take all necessary steps, including service of Notices to Quit, for obtaining possession of land required for development;
- (c) to serve Notices under Section 25 of the Landlord and Tenant Act 1954 in respect of commercial premises;
- (d) to take all necessary steps to repossess Council property from persons in illegal occupation;
- (e) to take appropriate steps in respect of forfeiture of Council premises;
- (f) to determine claims for adverse possession in respect of Council land.

3.14.12 Subject to any conflict of interest through any Joint Vehicle Companies, the Executive Director for Corporate Resources is authorised:

- (a) in consultation with appropriate officers, to keep all land and property under review and to take such emergency action as may be necessary for the protection of the public or the Council's property;
- (b) with the agreement of the Executive Director for Place and Economy, and unless otherwise authorised, to negotiate and complete land and property transactions in accordance with Council policy up to a financial limit of £250,000;
- (c) to undertake day to day management and maintenance of Council land and buildings;
- (d) to act as the Council's Corporate Property Officer, as required in Government guidance about asset management, responsible, in consultation with the Executive Director for Place and Economy, for dealing with strategic property issues at corporate level;
- (e) to be responsible for all matters concerning the Register of Public Bodies' Land and Vacant and Underused Land;
- (f) to fix charges for negotiations undertaken on behalf of the Council;
- (g) in consultation with the Director of Law and Governance, to take surrenders of leases and to agree and implement the termination of tenancies, agreements and licences of Council premises in appropriate circumstances;
- (h) to undertake and complete rent reviews not requiring any further amendment to the lease (other than user);
- (i) to grant or refuse consent to underlettings and assignments not requiring any further amendment to the lease (other than user);
- (j) to negotiate and settle terms for new, and variations to, leases, tenancies, wayleaves and easements of Council property in consultation with the Director of Law and Governance as appropriate, taking into account the sale, complexity and significance of the matter in hand;
- (k) to grant or refuse consent on behalf of the Council as landlord to a change of use;
- (l) to negotiate and settle terms for covenants for the acquisition and sale of all property previously authorised by the Council;
- (m) to grant or refuse consent on behalf of the Council as landlord to internal alterations to Council properties and to minor alterations to the exterior of such properties;
- (n) to appoint the District Valuer to negotiate and/or provide valuations of land or property as and when necessary or desirable
- (o) to appoint agents to undertake rent reviews, to negotiate and/or provide valuations of land or property, and to market land and property available to let or for previously authorised sale.
- (p) in consultation with Officers, to grant consent or approval, and to relax or release covenants contained in conveyances of Council land and former Council land in

cases where the Council is unable to charge and in cases where the Council can charge.

- (q) to grant or refuse consent on behalf of the Council as landlord to amend existing lease clauses;
- (r) to enter into contracts for goods and services up to £500,000;
- (s) to demolish buildings which are in a dangerous or life-threatening state;
- (t) in consultation with appropriate officers approve the assignment of property between services;
- (u) to approve all licences for works by the Council on non-Council owned property;
- (v) to negotiate and settle all construction-related claims against the Council;

Where there is a conflict of interest the Executive Director for Place and Economy will undertake the above delegations.

School Property

3.14.13 Subject to any conflict of interest through any Joint Venture Companies, the Executive Director for Place and Economy is authorised:

- (a) to secure the release of identified surplus education land, following a decision in principle by the Executive;
- (b) to take decisions on the retention and improvements of specific teachers' and caretakers' accommodation.

Where there is a conflict of interest, the Executive Director for Corporate Resources will undertake the above delegations.

Economic development

3.14.14 The Executive Director for Place and Economy is authorised:

- (a) to prepare and give effect to an economic development strategy,
- (b) to negotiate and implement partnership frameworks to deliver growth funding programme management in accordance with policy agreed by the Council and its partners;
- (c) to prepare and deliver strategies to maximise European Funding opportunities for the benefit of the Council and its partners;
- (d) to exercise powers granted under the Ancient Monuments and Archaeological Areas Act 1979 relating to the management of archaeological monuments;
- (e) to negotiate and administer partnership project agreements which facilitate archaeological research.

Safety of Sports Grounds Act 1975

3.14.15 The Executive Director for Place and Economy is authorised:

- (a) to exercise all the powers and duties conferred by and in the implementation of the Safety of Sports Grounds Act 1975.

3.15 Delegations to officer – Public Health Functions

3.15.1 The Executive Director of Public Health (DPH) shall have the responsibility and delegation to carry out all of the local authorities functions under the NHS Act 2006 and the Health & Social Care Act 2012, and related Regulations, including, but not limited to:

- (a) writing the Annual report on the health of the local population (which the Council then has a duty to publish);
- (b) any actions necessary to improve public health;
- (c) any actions necessary to fulfil the Secretary of State's public health protection or health improvement functions;
- (d) exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health;
- (e) co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;
- (f) such other public health functions as the Secretary of State specifies in regulations;
- (g) responsibility for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
- (h) ensuring plans are in place to protect the population including through screening and immunisation, and where such programmes are delivered by other organisations, ensuring that the combined plans deliver effective programmes to the local population;
- (i) community infection prevention and control;
- (j) appropriate access to sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention);
- (k) ensuring NHS Commissioners receive the public health advice they need;
- (l) the National Child Measurement Programme;
- (m) the NHS Health Check Assessment;
- (n) if the local authority provides or commissions a maternity or child health clinic, the DPH has responsibility for providing Healthy Start vitamins;
- (o) any other functions which, in the professional opinion of the DPH, are necessary to fulfil the local authority's public health responsibilities.

3.15.2 The Executive Director for Children and Young People's Services, the Executive Director for Adult Services and the Executive Director of Public Health shall be lead officers of the Health & Wellbeing Board, and may delegate attendance at this Board to a member of their management teams in the event of his/her unavailability.

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Section 4 – Overview and Scrutiny Functions & Terms of Reference

1. OVERVIEW AND SCRUTINY COMMITTEES

- 1.1 The Council has appointed the following Overview and Scrutiny Committees to carry out those functions under Sections 9F to 9FI of the Local Government Act 2000, as amended by:
- (a) Section 19 of the Police and Justice Act 2006 in relation to the scrutiny of crime and disorder matters;
 - (b) Section 244 of the Health & Social Care Act 2012 in relation to health matters; and
 - (c) Section 22 of the Flood Risk Management Act 2010 in relation to flood risk management.

2. TERMS OF REFERENCE

- 2.1 Council has established the following Scrutiny Committees and they shall have responsibility for overview and scrutiny in relation to the matters set out below:

1.	Children and Education Scrutiny Committee	
	No of Elected Members appointed by Council: Eleven, none of whom may be a Cabinet Member.	Chairman and Vice-Chairman Appointed by Council.
	Quorum: At least half the Members of the Committee (including voting co-opted members).	Co-opted Members to be appointed by the Committee/Council <u>Four representatives as follows with full voting and call-in rights on education matters only:</u> (a) 1 Church of England Diocese representative; (b) 1 Roman Catholic Diocese representative; and (c) 2 parent governor representatives. No more than four non-voting members.
	Functions determined by Council 1. Children’s Services including <ul style="list-style-type: none"> a) Social Care of Children; b) Safeguarding; and c) Children’s Health. d) Targeted Youth Support (including youth offending). 2. Education, including <ul style="list-style-type: none"> a) University and Higher Education; b) Careers; and c) Special Needs and Inclusion; 	
	Functions determined by Statute	

	All powers of an Overview and Scrutiny Committee as set out in Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations.
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2.	Growth, Resources and Communities Scrutiny Committee	
	No of Elected Members appointed by Council:	Chairman and Vice-Chairman
	Eleven, none of whom may be a Cabinet Member.	Appointed by Council.
	Quorum:	Co-opted Members to be appointed by the Committee/Council
	At least half the Members of the Committee.	No more than four non-voting members.
	Functions determined by the Council	
	<ol style="list-style-type: none"> 1. Housing need (including homelessness, housing options and selective licensing); 2. Neighbourhood and Community Support (including cohesion and community safety); 3. Equalities; 4. Libraries, Arts and Museums; 5. Tourism, Culture & Recreation; 6. Adult Learning and Skills; 7. City Centre Management; 8. Economic Development and Regeneration including Strategic Housing and Strategic Planning; 9. Transport, Highways and Road Traffic; 10. Strategic Financial Planning; 11. Partnerships and Shared Services; and 12. Digital Services and Information Management; and 13. To scrutinise the operation of the authority's companies as part of the work programme and to provide constructive challenge. 	
	Functions determined by Statute	
	To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Sections 19 of the Police and Justice Act 2006;.	

3.	Adults and Health Scrutiny Committee	
	No of Elected Members appointed by Council: Eleven, none of whom may be a Cabinet Member or the Health and Wellbeing Board.	Chairman and Vice-Chairman Appointed by Council.
	Quorum: At least half the Members of the Committee.	Co-opted Members to be appointed by the Committee/Council No more than four non-voting members.
	Functions determined by the Council 1. Public Health; 2. The Health and Wellbeing including the Health and Wellbeing Board; and 3. Scrutiny of the NHS and NHS providers; 4. Adult Social Care; and 5. Safeguarding Adults.	
	Functions determined by Statute To review and scrutinise local authority services under Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations To review and scrutinise matters relating to the Health Service and to make reports and recommendations to local NHS bodies in accordance with section 244 of the National Health Service Act 2006. This will include establishing joint health committees in relation to health issues that cross local authority boundaries and appointing members from within the membership of the Committee to any joint health overview and scrutiny committees with other local authorities. (Also see The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)	

4. Climate Change and Environment Scrutiny Committee		
	No of Elected Members appointed by Council: Eleven, none of whom may be a Cabinet Member.	Chairman and Vice-Chairman Appointed by Council.
	Quorum: At least half the Members of the committee.	Co-opted Members to be appointed by the Committee/Council No more than four non-voting members.
	Functions determined by the Council 1. Environmental Capital; 2. Flood Risk Management;	

3. Waste Strategy & Management;
4. Climate Change;
5. Reducing Carbon Emissions and achieving Net Zero Carbon Emissions;
6. Biodiversity;
7. Green Space;
8. Trees and Woodland
9. Active Travel; and
10. Energy Generation and Consumption.

Functions determined by Statute

To review and scrutinise flood risk management in accordance with Section 21F of the Local Government Act 2000 (as amended by the Flood and Water Management Act 2010 and under the Flood Management Overview & Scrutiny (England) Regulations 2011 No. 697).

3. SPECIFIC ROLE OF OVERVIEW AND SCRUTINY

- 3.1 To review and scrutinise the planning, decisions, policy development, service provision and performance within their terms of reference as follows:

POLICY DEVELOPMENT AND REVIEW

- 3.2 Within their terms of reference the scrutiny functions will:

- (a) Help the Council and the Executive to develop its budget and policy framework and service Budgets;
- (b) Carry out research into and consultation about policy issues and possible options;
- (c) Consider and promote ways of encouraging the public to take part in developing the Council's policies;
- (d) Question Members of the Cabinet, Committees and senior officers about their views on policy proposals;
- (e) Work with outside organisations in the area to make sure the interests of local people are taken into account;
- (f) Question, and gather evidence from, any person who gives their permission; and
- (g) Monitor and scrutinise the implementation of Council policy.

SCRUTINY

- 3.3 The Scrutiny Committees will:

- (a) Review and scrutinise the Executive, Committee and officer decisions and performance in connection with the discharge of any of the Council's functions;
- (b) Review and scrutinise the Council's performance in meeting the aims of its policies and performance targets and/or particular service areas;
- (c) Question Members of the Executive, Committees and senior officers about their decisions and performance of the Council, both generally and in relation to particular decisions or projects;
- (d) Make recommendations to the Executive and the Council as a result of the scrutiny process;
- (e) Question, and gather evidence from any person with their consent;
- (f) Hold the Executive to account for the discharge of functions in the following ways:
 - i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or decisions which have been delegated to an officer;
 - ii. By scrutinising Key Decisions which the Executive is planning to take, as set out in the Forward Plan of executive decisions;
 - iii. By scrutinising decisions the Executive are planning to make; and

- iv. By scrutinising Executive decisions after they have been implemented, as part of a wider policy review.
- (g) To consider petitions submitted to it;
- (h) Establish ad-hoc Task and Finish Groups to investigate specific topics on a time-limited basis in accordance with the Scrutiny Committee Procedure Rules; and

CRIME AND DISORDER

- 3.4 The Scrutiny Committee responsible for crime and disorder shall, and any sub committees may:
- (a) Act as the crime and disorder committee within the meaning of Section 19 of the Police and Justice Act 2006;
 - (b) Review or scrutinise decisions made, or other actions taken by bodies or persons responsible for crime and disorder strategies in the Peterborough area;
 - (c) Make reports or recommendations to the local authority on any local crime and disorder matter in relation to a member of the authority; and
 - (d) Consider any crime and disorder matters referred by any Member of the Council.

HEALTH ISSUES

- 3.5 The Scrutiny Committee responsible for health and any sub committees shall undertake their responsibilities under section 244 of the National Health Service Act 2006 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the health service in the Peterborough area (including NHS Bodies and other NHS providers);
 - (b) Must invite interested parties to comment on the matter and provide reasonable notice;
 - (c) Take account of relevant information available to it and, in particular, from a Local Healthwatch organisation or representative;
 - (d) Acknowledge any referral within 20 working days and keep the referrer informed of any action taken;
 - (e) Request information about the planning, provision and operation of health services in the area to enable it to carry out its functions;
 - (f) Make reports or recommendations on a matter it has reviewed or scrutinised including:
 - i) An explanation of the matter reviewed or scrutinised;
 - ii) A summary of the evidence considered;
 - iii) A list of the participants involved in the reviews; and
 - iv) An explanation of any recommendations made.
 - (g) Where the Committee asks for a response, the person must respond in writing within 28 days of the request.
- 3.6 The Committee will consider any proposals received from a National Health Service body, Clinical Commissioning Groups or other provider about;

- (a) Any substantial development of the health service in Peterborough; or
 - (b) Any substantial variation to the provision of NHS Services as set out the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 3.7 In considering the proposals, the Committee must take account of the effect or potential effect of the proposals on the sustainability of the Health Service in its areas and may refer proposals to the Secretary of State in certain circumstances.

FLOOD RISK MANAGEMENT

- 3.8 The Scrutiny Committee responsible for flood risk management, and any sub committees shall undertake their responsibilities under the Flood and Water Management Act 2010 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the flood risk management in the Peterborough area;
 - (b) May invite those authorities responsible for flood risk management to comment on the matter;
 - (c) Request information from them to enable it to carry out its responsibilities; and
 - (d) Make reports or recommendations and request a response from flood risk management authorities.

4. MEMBERSHIP

- 4.1 All Members, except Members of the Executive, may be a member of a Scrutiny Committee. However, no Member may be involved in scrutinising a decision with which he or she has been directly involved. Members of the Health and Wellbeing Board should not be a member of the Health Scrutiny Committee.
- 4.2 It is advised that Members undertake relevant training within the past three years in order to hold a seat on a Scrutiny Committee.

CO-OPTTEES

- 4.3 The Scrutiny Committees shall be entitled to co-opt, as non-voting members, up to four external representatives or otherwise invite participation from non-members where this is relevant to their work.
- 4.4 There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will decide these.
- 4.5 A Scrutiny Committee can co-opt a further three members at its discretion. One of these can be a second parish council member identified by the Parish Council Liaison Committee.
- 4.6 The Children and Education Scrutiny Committee shall include in its membership the following representatives. These representatives will have full voting and call-in rights on education matters only, and when other matters are dealt with they may stay in the meeting and speak:
- (a) 1 Church of England Diocese representative;
 - (b) 1 Roman Catholic Diocese representative; and
 - (c) 2 parent governor representatives.

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Section 5 – Appointments to External Organisations

5.1 Introduction

- 5.1.1 The Council has partnership links with many external organisations, dealt with in the Constitution as follows:
- | | |
|--------------------------------------------|------------------------------------------------------------------------------------------------|
| (a) Partnerships | Council representatives participate in joint arrangements in which the Council is one partner. |
| (b) Appointments to external organisations | Council representatives are appointed to organisations wholly external to the Council. |
| (c) Commercial partnerships | Contractual relationships with a partner undertaking work for the Council. |
- 5.1.2 These links may be statutory or discretionary. For example, the (statutory) constitution of Internal Drainage Boards requires that some Board members be appointed by the Council. Discretionary external appointments may arise by invitation to the Council or by the Council's own initiative. The council will always assess the value of participation - will it benefit directly? If not, would participation still be beneficial to the community (whether financially or in other ways, due to council representation and endorsement)? The Council aims to maximise the benefit to be obtained from participation, both for the Council and the community.

5.2 Requirements and categories for appointing external representatives

- 5.2.1 In deciding whether or not the Council should make an appointment to an external organisation, one of the following criteria must be met:
- (a) Is the appointment a statutory requirement?
 - (b) Is the proposed involvement consistent with the corporate strategy?
 - (c) Does the proposed involvement add value to the Council's activities?
- 5.2.2 Each external organisation to which the Council makes an appointment, and partnership in which it participates, will be placed into one of the following categories:
- (a) **Key partnerships** - defined by the Council's partnership framework.
 - (b) **Council Owned Companies** – Companies wholly or partly owned by the City Council.
 - (c) **Strategic and executive** - participation contributes to the Council's strategic functions, priorities and community leadership role and/or assists the Council in fulfilling its executive responsibilities.
 - (d) **Community engagement** - Not necessary to fulfil strategic or executive function but still beneficial in terms of leading, engaging and supporting the community. District-wide role.
 - (e) **Local engagement** - Community engagement focussed at ward level.

5.3 Procedure for making external appointments

- 5.3.1 The determination of appointments to external organisations is legally a 'local choice' function which can be exercised by Council, a Committee, the Executive or a combination of these. To provide for a transparent and collaborative appointments process at the beginning of each municipal year, the Council's external and partnership appointments will be determined by the Executive following the process below (which does not apply to officer participation).

- 5.3.2 All appointments are subject to annual change unless otherwise stated in the constitution of the external organisation. Each (including in-year replacements) runs for the municipal year, ending at the next Annual Council Meeting.
- 5.3.3 Where participation by a category of person is specified (such as 'all the ward members' or 'the relevant cabinet member'), then these appointments will be automatic by virtue of office. The relevant Cabinet Member(s) will be determined by the Leader, if not readily apparent.
- 5.3.4 Other external appointments will be made following this procedure:
- (a) As soon as possible after the local elections each year (or by early May in a year without elections), the Monitoring Officer convenes discussion between the political groups operating on the Council. Where possible, they will agree informally the allocation of seats upon external organisations and partnerships taking into account the principles contained in this procedure. As a general rule, elected members will fill all formal appointments available, but it is recognised that non-Member involvement at local level can be a useful way of promoting community engagement provided that good links with, and feedback from, such representatives, are maintained.
 - (b) For all seats in the **key partnerships category**, the Executive seats required will be filled automatically by the relevant cabinet member. Where the relevant person is not readily identifiable, the Leader will determine which members are appointed to fill the required number of seats. The non-Executive seats required will be totalled across the category and then allocated proportionally to the Council's various political groups using this appointments procedure.
 - (c) For all seats in the **Council-owned companies category** the Leader will decide the most appropriate representative from the Council. The Leader's decision will be made in consultation with the Chief Executive, the S151 Officer and the Monitoring Officer.
 - (d) For all seats in the **strategic and executive category**, seats will be allocated to the political administration except where:
 - (i) the external organisation's constitution/partnership agreement states otherwise;
 - (ii) in the case of the Local Government Association, where wider representation is usual;
 - (iii) the political administration decides otherwise.
 - (e) For seats in the **community engagement category**, excluding any allocated automatically by virtue of office, the total number of seats available across all organisations in the category will be calculated. Seats will then be allocated equitably amongst the Council's declared political groups, as far as is reasonably practicable reflecting the political balance of the Council. The final allocation does not have to be exactly proportional, provided that distribution is equitable.
 - (f) Seats in the **local engagement category**, excluding any allocated automatically by virtue of office, will be allocated having regard to the political composition of the ward(s) most closely affected. The expectation is that local candidates will be considered ahead of other nominees for representation.
 - (g) Where an appointment includes an option as to the **allocation of votes** (for example, at the Local Government Association assemblies), this appointments process will be used to determine vote allocation as well as named representation.

- (h) all seat and vote allocations made automatically, or agreed informally through this process by the political groups, will be authorised and implemented by the Monitoring Officer and notified to Full Council.
 - (i) any seat or vote allocation which is disputed must be reported by the Monitoring Officer to the Leader of the Council for determination. Seat allocations will be deemed to be disputed if:
 - (i) either one or more political groups disagrees with the proposed allocation;
 - (ii) or no informal agreement is reached by the end of the second calendar week after the Annual Council Meeting (because it is essential to determine new appointments early in the municipal year, ahead of the annual conferences of the LGA and Eastern Regional Local Government Conference).
 - (j) When determining disputed seats and votes, the Leader should have regard to the principles at a) to e) above although they are not absolutely binding. Any decision made contrary to these principles will be accompanied by an explanation as to why. The Leader's decision may be delegated to the Deputy Leader or the Cabinet. All such appointments are published Executive decisions, available for scrutiny.
- 5.3.5 If an appointment vacancy arises during the municipal year, it will be filled following the process above. The Monitoring Officer will start the informal process as soon as possible after the vacancy arises. The views of the political groups may be sought by telephone, in writing or via a meeting. In the community engagement category, the replacement representative will usually be a nominee of the same political group as was the outgoing representative.
- 5.3.6 When a new appointment opportunity arises, the Leader of the Council will determine whether or not this should be accepted. This decision will have regard to the appointment criteria listed above. If approved, the Leader will also determine in which appointment category the appointment/participation should be listed, having regard to the descriptions above. This approval and categorisation will be a published Executive decision, available for scrutiny in the usual way.
- 5.3.7 The Leader may review the list of organisations to which appointments are made at any time, although the Council will not usually expect to change arrangements in-year unless there is a particularly strong reason for doing so. Any changes to participation will also be a published Executive decision.
- 5.3.8 All appointments will be listed in the Council's partnerships database.
- 5.4 Support for appointments to external organisations**
- 5.4.1 **Lead officer:** A lead officer will be identified in the Council's partnership database for all appointments in the **key partnerships, Council-owned companies, and strategic and executive** categories. This officer will work closely with the appointed Member(s) to provide briefings and support. In turn, representatives will brief the lead officer regularly about discussions at external meetings and any activities which the organisation is undertaking, particularly as they affect the Council.
- 5.4.2 **City Councillors appointed by non-Council routes:** The Council will take advantage of any appointments of its Members to national and regional bodies within the **strategic and executive** category, by means other than direct Council appointment.

This may be, for example, via regional appointments from a pool of Members to ensure politically balanced representation. These appointments will be recorded in the Council's partnership database, and a lead officer will be allocated to brief/support, and be briefed by, the representative.

5.4.3 **Briefings:** For organisations and partnerships in the **community and local engagements categories**, a lead officer will not be allocated unless the Director and/or relevant Cabinet Member for the service area deem that this will be beneficial. However, the representative may still seek support and briefings from Council officers.

5.4.4 **Induction:** Partner/external organisations are expected to provide an induction into their affairs for newly appointed Council representatives. In the case of **key partnership and strategic and executive** appointments, it is the lead officer's responsibility to ensure that an induction is arranged.

5.5 Councillors' role in external and partnership appointments

5.5.1 Councillors fulfilling external and partnership appointments (and non-councillors fulfilling that role in the place of an elected member) are, in general, expected to see themselves as upholding the Council's interests. Their role includes:

- (a) representing and reporting the Council's interests and activities to the organisation;
- (b) feeding back to the relevant officers of the Council, and the Executive or committees;
- (c) where the Council makes a decision which affects the organisation/partnership, contributing information from the perspective of being a member on that body;
- (d) monitoring how resources given or lent to the organisation/partnership by the Council are used, especially by comparison with any conditions or Service Level Agreement involved, and notifying the Council of any problems identified;
- (e) using their position as an elected public representative to influence and ensure that other public or charity money is spent wisely;
- (f) helping the organisation/partnership to understand the Council's and Community Strategy priorities, and how the organisation/partnership can best contribute to or benefit from them;
- (g) lending support and endorsement to the organisation's activities, in the role of community leader and spokesperson;
- (h) submitting an annual report to the Council of their activities within the appointment.

5.5.2 A Council representative may, depending upon the organisation's legal status, be required to act in the best interests of that organisation - for example, trustees. This can cause tensions for the representative, but need not conflict. For example, the member must always declare their personal interest in any matter decided by the Council which affects 'their' organisation, if they are present and participate in the debate and decision. Further, acting in the best interests of the organisation does not override the need to ensure that public money allocated by the Council (or any other resources of the organisation) are used with probity, wisely and in compliance with any conditions attaching to those resources.

- 5.5.3 Councillors appointed as Trustees are personally responsible to the Trust as a Trustee (quite distinct from their duties as elected members) and are liable for any mismanagement or breaches of Trust because they are required to act in good faith and for the benefit of the Trust at all times. There are strict requirements for Trustees to administer/manage the Trust property for the benefit of the Trust (and not for any other purposes) and in accordance with the express terms of the Trust document.
- 5.5.4 Every external appointee is required to complete a short report at the end of the municipal year, to be submitted to the Monitoring Officer. This is to state the extent of their attendance and involvement during the year, what has been achieved and whether continuing representation is considered worthwhile in their opinion. This information will be made available to the political groups and Leader to inform their decisions about the next year's appointments. It will also be made available to other Members on request.
- 5.5.5 All external representatives are expected to attend that organisation's meetings regularly. If they become unable to maintain this level of involvement and support, they should inform the Monitoring Officer so that an alternative representative can be identified as soon as possible.

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Section 6 – The Partnership Framework

6.1 Scope of the partnership framework

- 6.1.1 The Council has links with many external organisations, dealt with in the Constitution as follows:
- (a) Partnerships (joint arrangements where the Council is one of various partners) - covered by this partnership framework;
 - (b) Appointments to external organisations (Council representatives are appointed to organisations wholly external to the Council) - covered by the appointments to external organisations procedure at Section 6 of the Delegations Document within the Constitution;
 - (c) Commercial partnerships (contractual relationships with a partner undertaking work for the Council) - governed by the procurement and contractual rules within Standing Orders for Contracts at Part 3 of the Constitution, and not by this partnership framework.
- 6.1.2 Partnerships may be statutory or discretionary. Much external funding availability is dependent upon partnership working. The council intends that any participation in partnerships is effective and beneficial to the community. This framework provides a means of rationalising and preventing the proliferation of partnerships, while providing good co-ordination between them. It enables the Council to continue to qualify for partnership-linked external funding, while retaining a manageable partnership framework which is not itself too resource hungry and time-consuming to support. A co-ordinated approach with partners benefits Peterborough, because resources and effort can be channelled into agreed directions in line with the Community Strategy.
- 6.1.3 The Council must prepare a 'Community Strategy' for promoting or improving the economic, social and environmental well-being of its area, working through a Local Strategic Partnership (LSP). The LSP in Peterborough is the Greater Peterborough Partnership (GPP). It is formed to work together to enhance service delivery and promote economic, social and environmental well-being.
- 6.1.4 The 'challenge' aspect of Best Value encourages the Council to be innovative in its partnership arrangements, to explore different and improved ways of working with others and provide more customer-focused services. However, this partnership framework does not apply to commercial partnerships or initiatives, because commercial transactions are governed by EU Procurement Rules and the Council's Contract Regulations. Furthermore, the Council cannot delegate its functions and executive decision making to any other body unless there is specific legislation enabling it to do so. When considering any partnership arrangement, legislation particular to the service area must be checked in this respect.
- 6.1.5 There are various general partnering models that could apply to non-commercial partnerships, advice about which is available in the Council's guides to its Constitution. The key forms are:

- (a) a Partnership with an Unincorporated Board
- (b) a Partnership with an Incorporated Board: a company limited by guarantee; a company limited by shares; or an industrial/provident society
- (c) a Joint Venture Company
- (d) a Trust.

It is important that legislation is checked to ensure that it does not prevent a particular model from being used in.

6.2 The proposed partnership structure

6.2.1 GPP is Peterborough's Local Strategic Partnership. It comprises the range of public, private and voluntary sector partners identified in national guidance about the composition of LSPs.

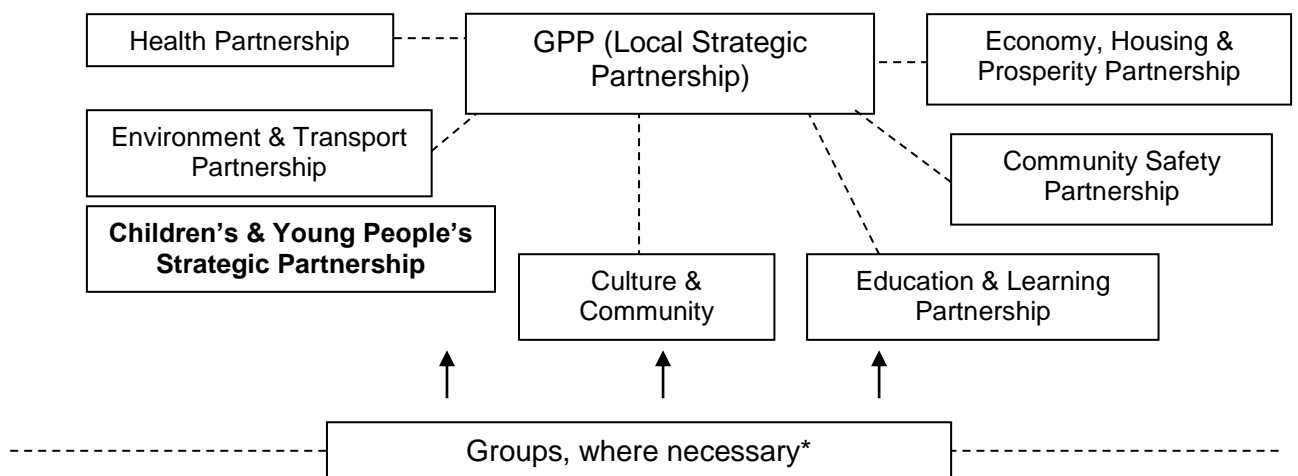
To ensure full effectiveness of the partnership framework, GPP must head a hierarchy that adds value to service delivery. The partnership framework must minimise the number of partnerships and ensure that all fit into a clear framework, which is consistently reviewed and monitored by the GPP and the City Council.

6.2.2 GPP is run by GPP Board, an unincorporated board comprising membership from public, private and voluntary/community sector representatives which will:

- (a) represent the seven key partnerships (usually via their chairmen);
- (b) avoid either duplication of representation or over-representation.

6.2.3 GPP Board's membership and operating protocols (such as frequency of meetings) are determined by GPP. Its representation follows national guidance, which says that three key sectors must have representation: the public, private and community/voluntary sectors. GPP is recognised by GO-East as a strong LSP for its private sector representation and has engagement from all key statutory agencies. The specific inclusion of chairmen of the six key partnerships, together with the membership recommended in national guidance, provides a clearly definable shape to GPP.

Diagram – The partnership structure



*Note: There may be groups leading off one or more key partnerships, although these are to be kept to a minimum

6.2.4 'Below' GPP there are seven key partnerships, covering the six priority areas recognised within the Community Strategy. These partnerships are, showing the strategic remit of each:

- (a) Community safety partnership - Community safety, youth justice, drugs strategy (including the YOT Plan, Community Safety Action Plan and Drug Action Team Plan)
- (b) Culture and community partnership - Cultural strategy
- (c) Economic, housing & prosperity partnership - Housing strategy, economic development strategy, prosperity/equality
- (d) Education and learning partnership - Education development plan/lifelong learning strategy
- (e) Environment and transport partnership - Waste, transport and environmental strategy
- (f) Health Partnership – Improving health and well-being; local and health authority and voluntary sector joint working (including the Health Delivery Plan);
- (g) Children's and Young People's Partnership – to provide a strategic lead for the development of Children's and Young People's Trust arrangements in Peterborough and to make real improvements in the lives of children and young people in Peterborough (Children's and Young People's Plan).

(Note – The references above to specific plans or strategies are intended as examples, not an exhaustive list.)

6.2.5 GPP Board determines the membership and operating protocols of the seven key partnerships. Each one:

- (a) wherever possible, carries out the full range of partnership work in 'their' area;
- (b) - has a representative (the chairman or his/her representative) that sits on the GPP Board;
- (c) - reports quarterly to GPP and also briefs the Council's Cabinet about partnership issues;
- (d) - includes representation from each partner involved in any (sub) groups;
- (e) - co-ordinates action undertaken within any groups, and reports their action to GPP.

6.2.6 The key partnerships may have groups that deliver specific activity, their pattern being determined by what is most relevant to their area of work. There is a presumption against their formation except where:

- (a) this is a statutory requirement, or
- (b) the Executive determines that it would be beneficial, or
- (c) GPP believes it would be beneficial and can identify resourcing to support it.

6.2.6.1 The membership and operating protocols of any groups may be determined by statutory guidance or by joint agreement between the key partners involved (particularly the accountable body, if any). The relevant key partnership may seek to change or terminate the group, where appropriate in line with this framework - the key partnerships have a valuable role in co-ordinating activity and assessing the value of groups (existing or proposed) within their sphere of activity.

6.2.6.2 To maintain coherence within the framework, all groups will be required to link into one of the seven key partnerships, and report activity to it regularly. Their chairman (or his/her representative) should be represented on the relevant key partnership.

- 6.2.7 Partnerships or groups may set up workshops or short term study groups to consider specific issues. These are expected to have a target lifespan and stated purpose (usually a set of terms of reference).
- 6.2.8 GPP and the seven key partnerships each appoint their own chairman.
- 6.2.9 GPP, the key partnerships and groups will each include representation from the three sectors: public, private and voluntary/community. The framework will attempt to achieve a balance between the sectors at each level.

6.3 Protocols governing operation of the partnership framework

- 6.3.1 GPP, with the City Council, co-ordinates the partnership framework and reviews the framework regularly to ensure that the structure continues to be efficient and effective.
- 6.3.2 GPP and the key partnerships each act as the main conduit for considering strategic issues within their remit. GPP focuses upon the Community Strategy and provides a high level, strategic forum for the partners to work towards common goals. The focus for other strategic documents within the partnership framework is shown in the list of key partnerships above. The framework allows effective debate, 'ownership' and contribution by partners relating to key areas of activity, while also facilitating cross-referencing.
- 6.3.3 Connection between GPP and the seven key partnerships is made through chairmen (or their nominee) representing the key partnerships sitting on the GPP Board. In turn, the chairman (or his/her nominee) of any group will be represented upon their relevant key partnership. GPP will monitor the operation of the key partnerships, which will in turn monitor any groups.
- 6.3.4 GPP will receive reports from each key partnership through its chairman (or nominee), usually on a rotational basis. In turn, chairmen will feedback GPP Board activity and views to their key partnership. A similar two-way briefing arrangement will operate between the key partnerships and their groups, if any. Cabinet members will provide two-way communications between the Council and the partnership framework by contributing reports within the City Council about partnership activity within their service area and, in turn briefing their relevant partnerships about the Council's activities and aspirations.
- 6.3.5 Partners make various contributions to joint working. The Council's support to the partnership framework includes:
 - (a) sharing performance management data;
 - (b) training relevant to the framework;
 - (c) a policy research network (Peterborough Needs Assessment) which will draw together
 - (d) existing work on behalf of all agencies;
 - (e) corporate secretariat and communications support to GPP, the key partnerships and their executive groups.
- 6.3.6 Every key partnership, and every (partnership) group which involves finance and major decisions, must involve the relevant cabinet member(s) and corresponding lead senior officer(s), so that Cabinet can contribute directly to partnership working and also assess the operation of the partnerships on a regular basis. (Any formal concerns

raised by the Cabinet will be reported to GPP Board or the relevant key partnership by the Leader of the Council.)

The number of cabinet members required should be specified in the partnership agreement. The cabinet member will become appointed by virtue of office - the relevant member(s) will be identifiable from the responsibilities identified in the Council's scheme of executive delegations. If the cabinet member(s) responsible is/are not readily apparent because of overlapping responsibilities, or where the scheme of delegations is silent upon the subject, the Leader of the Council will identify the relevant member(s).

- 6.3.7 There will be at least one non-executive city councillor representative on GPP and each of the seven key partnerships. The exact number of councillor representatives will be decided by GPP as part of its determination of the membership and protocols of GPP Board and the key partnerships. The total number of non-executive seats across the seven partnership bodies will be divided amongst the political groups upon the Council, via the Council's appointments to external organisations procedure, to reflect the Council's political proportionality. These non-executive seats will ensure that non-executive of the political Administration and opposition groups can remain involved and offer their perspective upon issues. They will also help to promote a consensual approach and provide continuity in the event of changing political control.
- 6.3.8 Non-executive councillor appointments at group level will not usually be expected although sometimes this is a requirement of law or statutory guidance. However, there will be some locality-based groups where ward councillor representation should be considered, even if only as observer members. Any non-executive councillor membership will be appointed through the Council's procedure for appointments to external organisations, unless the partnership agreement specifies a category of representation (such as largest opposition Group Leader or local ward councillors).
- 6.3.9 Non-executive councillors cannot legally commit the Council to any commitments or decisions, neither can they veto any actions which the Council or partnership/group proposes to take.
- 6.3.10 To increase community engagement, formal representation upon partnerships from community and voluntary groups should normally comprise individuals that are not affiliated to the City Council either through employment or public office. Where community representation spans a number of community and voluntary groups, formal participation will usually be via one representative selected by those organisations/voluntary groups.

- 6.3.11 Local authority scrutiny will take place at various levels. At any point that a decision relating to partnership activity is made by a cabinet member or Cabinet, this will be published for scrutiny in the usual way. (This area of activity is likely in practice to mainly focus upon service delivery and decisions at group level.) Scrutiny Committees or Commissions may review any partnership issue that they wish, whether related to internally or externally delivered services. Non-executive councillors, through membership of key partnerships, can contribute to the scrutiny function and also to consultation about partnership-related executive decision-making.
- 6.3.12 In order to assess whether or not the Council should participate in any partnership activity beyond the key partnerships, the Executive will consider whether participation would meet one of these criteria:
- (a) Is the involvement a statutory requirement?
 - (b) Is the proposed involvement consistent with the corporate strategy?
 - (c) Does the proposed involvement add value to the Council's activities?

The full financial, staffing in kind, property and any other costs and liabilities must be appraised. The Council must not take on liability for any period after the point at which partnership funding ends. Staff employed in connection with partnerships must be on fixed term contracts, where initiatives are time limited. There must be no continuing liabilities in respect of Council property holdings at the end of the funding period.

- 6.3.13 Every partnership (including groups) must have a written partnership agreement, for which a template will be provided, stating:
- (a) objectives,
 - (b) how its membership is derived, including the level of city councillor involvement,
 - (c) terms of reference, and any individual roles within the partnership,
 - (d) constitutional/legal status, including any decision making powers (the possible partnering
 - (e) models that may apply are listed in guidance notes to the Constitution),
 - (f) operating protocols, including how it reports to its parent bodies and within the partnership
 - (g) framework,
 - (h) any exit strategies or other points required in this list of requirements.

If the proposed partnership appears to involve or could possibly lead to commercial partnership arrangements, the full legal implications must be assessed before commitments are made, as this framework does not override procurement and contracting rules.

- 6.3.14 Details about the partnership must be logged and maintained in the Council's partnership database, which lists constitutional, representational, cost-benefit and purpose information.

Section 7 – Joint Committees and Working Groups Involving Members

7.1 Cambridgeshire Police and Crime Panel

7.1.1 The local authorities in the Cambridgeshire Police area are required to establish a police and crime panel. The role of the Panel is to scrutinise the Police and Crime Commissioner particularly his annual budget and the Police & Crime Plan.

7.1.2 The Council appoints three members to sit on the Panel.

7.2 Combined Fire Authority

7.2.1 The Council has four seats on the Combined Fire Authority, and the County Council has thirteen. Each Council appoints its quota of members directly by the Council, so the Council's seats are allocated by full Council. The appointments must be made with regard to the proportionality of the declared political groups across both Councils.

7.2.2 The Fire Authority provides fire/public protection services for the Council and County Councils' areas.

7.3 School Organisation Committee

7.3.1 The Council has seven Member seats in the 'LEA Group' upon the School Organisation Committee, appointed by the procedure outlined in the Delegations to the Cabinet Member for Education, Skills and University. The Committee also has seven school representatives within the 'schools group' (3 secondary, 3 primary and 1 special), together with representatives from the Church of England and Roman Catholic Dioceses and the Learning and Skills Council. It must meet at least once a year to agree the School Organisation Plan.

7.3.2 Its terms of reference are, in summary:

- (a) To approve the LA's draft School Organisation Plan.
- (b) To consider any proposals by the Adjudicator for modification to the draft School Organisation Plan.
- (c) To consider any subsequent proposals for change to school organisation from the LEA or another proposer.

7.4 SACRE (Standing Advisory Council for Religious Education)

7.4.1 SACRE is made up of four Committees: LEA Representatives; Teacher Representatives; Church of England Representatives; and representatives of Christian and other religions and denominations, reflecting the religious traditions of the Council's area. The LEA representatives may, but do not have to, reflect political proportionality. The Council has five elected member representatives on the 'LEA committee', appointed by the procedure outlined in the Delegations to the Cabinet Member for Education, Skills and University.

7.4.2 Its terms of reference are:

- (a) To advise the LEA about matters related to collective worship in schools.

- (b) To advise the LEA about, and require the LEA to review, its agreed syllabus for teaching religious education.
- (c) To determine applications from headteachers that their school be released wholly or partly from the requirement for their collective worship to be broadly Christian in character.
- (d) To publish an annual report of its work.
- (e) To advise the LEA about religious education teaching methods and training for teachers.
- (f) To monitor inspection reports about religious education, collective worship and spiritual/moral/cultural/social development.
- (g) To consider complaints about provision and delivery of religious education and collective worship, where referred to it by the LEA.

7.5 Schools Forum

7.5.1. The Schools Forum is a requirement of the Education Act 2002. The forum encompasses 15 members representing the following groups:

- (a) Roman Catholic Diocesan Board member
- (b) Church of England Diocesan Board member
- (c) Representative from the Early Years Development and Childcare Partnership
- (d) Special School members
- (e) Secondary School members
- (f) Primary School members

7.5.2 The Diocesan representatives are identified by asking each Diocesan Board at 7.6.1(a) and (b) above to nominate a member.

7.5.3 The school representatives are elected from among nominees, in the following manner:

- (a) each school will be required to provide one nominee for election to the forum, but the individual nominated must be either the headteacher or a governor of that school;
- (b) school representatives will be elected from among the nominees in the following manner:
 - (i) Votes will be allocated to schools rather than individuals within that school
 - (ii) It is for the school governors in conjunction with the headteacher to determine how they exercise their votes
 - (iii) schools may only vote for nominees from schools within their particular representational group (see paragraph 7.5.1 above)
 - (iv) Each school will have the same number of votes allocated to it as the number of representatives who will be elected from its representational group (see paragraph 7.5.1 above).

7.6 Working Groups Involving Members

7.6.1 Working groups, review teams and advisory groups are established from time to time, for specific purposes and shall be time limited. They will only be established when the matter cannot be undertaken by a relevant Scrutiny Committee. Meetings of such groups will be held in private, with the exception of evidence gathering sessions with key witnesses, which the public will be invited to observe, unless the subject matter is considered to be of a sensitive nature, in which case it may not be possible to hold the

evidence gathering session in public. They usually fall into one of the following categories:

(a) Advisory groups relating to Executive Functions

Usually established to advise a Cabinet Member about an issue or subject area. The terms of reference and membership are specified by the Executive.

(b) Task & Finish Groups

Small groups of Members appointed by a Scrutiny Committee or Scrutiny Commission for the purpose of advising the parent committee about either:

- (i) an in-depth policy review
- (ii) performance monitoring
- (iii) responding to a major policy consultation from the Executive.

The terms of reference and purpose are specified by the relevant Scrutiny Committee or Scrutiny Commission.

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30. Suspension and amendment of Council Procedure Standing Orders

31. Photography and audio/visual recording of meetings

1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

1.1.1 The Ceremonial Meeting (Mayor Making)

The Meeting will:

- i. elect a person to preside if the chair of Council (the Mayor) is not present;
- ii. elect the chair of Council (the Mayor);
- iii. elect the vice chair of Council (the Deputy Mayor); and
- iv. receive the retiring mayor's report.

1.1.2 The Business Meeting

The Meeting will:

- i. approve the minutes of the last meeting;
- ii. receive any announcements from the Mayor;
- iii. consider urgent petitions in accordance with the Council's petition scheme;
- iv. receive a report from the Returning Officer on the outcome of City Elections;
- v. upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader of the executive (the Cabinet)
- vi. be notified by the Leader of the number of members to be appointed to the Cabinet, those Members' names and their intended portfolio of responsibilities;
- vii. appoint a licensing committee, a health and wellbeing board, at least one overview and scrutiny committee and such other committees as are required or the Council considers appropriate to deal with matters that are neither reserved to the Council nor are executive functions (as set out or will be set out in Part 3(2) of this Constitution). No member of the Executive will be allowed to be a member of a Scrutiny Committee or Commission;

- viii. receive the Leader’s scheme of delegation of executive functions (as set out at Part 3(3) of this Constitution);
 - ix. approve a programme of ordinary meetings of the Council for the year; and
 - x. consider any business set out in the notice convening the meeting.
- 1.1.3 Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 1.2. Selection of Councillors on Committees
- 1.2.1 At the annual (business) meeting, the council meeting will:
- i. decide which committees to establish for the municipal year;
 - ii. decide the size and terms of reference for those committees;
 - iii. decide the allocation of seats to political groups in accordance with the political balance requirements;
 - iv. receive nominations of councillors to serve on each committee and other authorities;
 - v. appoint to those committees, standing sub-committees and other authorities except where appointment to those bodies has been delegated by the Council, is exercisable only by the executive, or has been reserved to the executive; and
 - vi. appoint the Chairs and Vice-Chairs of all the Council’s committees, other than those which the Council has decided should be appointed by the committee itself.
- 1.2.2 The Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees.
- 1.2.3 The Council shall always have the power to exercise any power delegated to a committee, sub-committee or an officer.

2. ORDINARY MEETINGS OF COUNCIL

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting. The order of business at ordinary meetings will be as follows:
- i. elect a person to preside if the Mayor and Deputy Mayor are not present;

- ii. approve the minutes of the last meeting;
- iii. receive any declarations of interest from members;
- iv. receive any announcements from the Mayor and Leader (which, with the exception of the Mayor, will normally be limited to five minutes), followed by any question on the announcement from a leader of an opposition group (which will normally be limited to one minute);
- v. receive questions from, and provide answers to, the public in accordance with Standing Order 15;
- vi. receive petitions from the public and Members in accordance with Standing Order 16;
- vii. consider petitions in accordance with the Council's petition scheme;
- viii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2;
- ix. deal with any business from the last Council meeting;
- x. receive reports from the Cabinet for consideration, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- xi. receive any reports from the Council's committees and overview and scrutiny committees for consideration and receive questions and answers on any of those reports;
- xii. receive reports about and receive questions and answers on decisions made by members of the Cabinet since the last meeting of Council;
- xiii. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority;
- xiv. consider motions; and
- xv. consider any other business specified in the summons to the meeting.

3. ORDINARY MEETINGS OF COUNCIL AND COMMITTEES

3.1 Business

Unless otherwise determined by statute, the Mayor/Chairman may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

3.2 Urgency

The Mayor/Chairman may determine that an item of business that has not been open to public inspection, both as an item set out in the agenda and any accompanying published report, may be considered because he or she is of the opinion that, by reason of special circumstances, which shall be specified in the minutes, the item should be considered at the meeting as a matter of urgency.

4. EXTRAORDINARY MEETINGS AND VARIATIONS

4.1. Calling extraordinary meetings of Council

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor (or the Deputy mayor if the mayor is unable to act);
- (c) the Monitoring Officer; or
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2 Calling an Extraordinary Meeting of a Committee or Sub-Committee

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

4.3 Business at an Extraordinary Meeting of Council or a Committee or Sub-Committee

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous

minutes or reports from committees etc. except that the Mayor/Chairman may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4.4 Timings of meetings

4.4.1 The timings of normal committee meetings will be agreed by the committee for the next municipal year in January of the preceding municipal year (or as near to this time as possible).

4.5 Variation to the meeting schedule and cancellation of meetings

4.4.1 Variations to the meeting schedule will be determined by the Chairman after prior consultation with the Group representatives. The Mayor determines any variation to the Council schedule, in consultation with Group Leaders.

4.4.2 If there is disagreement about the timing of an additional meeting between the Chairman and Group representatives, the meeting will start at the normal time for meetings of that Committee as identified previously by the committee and included within the Annual Calendar of meetings approved by Council.

4.4.3 Any meeting may be cancelled if there is insufficient business to consider. This will be determined by the Chairman after prior consultation with the Group representatives. For Council, the Mayor will determine in consultation with Group Leaders.

5. PRIVATE MEETING TO NOMINATE THE MAYOR ELECT

5.1 The Chief Executive will invite Members to hold a private meeting each year to nominate the Mayor Elect. This meeting will usually be held in February or March. The notice of the meeting will not be published and the proceedings will have no legal effect.

5.2 There is a written protocol for the nomination of the Mayor Elect and this can be found within Part 5 Section 8 of the Council's Constitution.

6. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES IN YEAR INCLUDING SUBSTITUTE MEMBERS

6.1 Appointment of Chair or Vice Chair in year vacancy

The Council may remove the Chairman or Vice-Chairman or they can resign. In the event that the Chairman or Vice-Chairman resigns or for some other reason becomes permanently incapacitated, the Council may appoint another Chairman or Vice-Chairman at its next meeting following the resignation or permanent incapacity and in the meantime the Committee may elect a temporary Chairman or Vice-Chairman until

a new appointment is made by the Council. Unless otherwise stated in the Constitution, the Chair and Vice-Chair of a Committee or Sub-Committees shall be a Councillor.

6.2 Appointment of Members to Committees in year vacancy

If a vacancy arises on a Committee or Sub-Committee because a Member of a Committee or a Sub-Committee has resigned their seat by sending a written notice to the Chief Executive or because a Member has resigned, died or otherwise ceased to be a Member, the Chief Executive will appoint a Member to fill the vacancy if the relevant political group asks him or her to do so, in accordance with the seat allocations approved by Council under the Local Government and Housing Act 1989 and the Regulations made thereunder.

6.3 Substitute Members

6.3.1 Number

For each Committee or Sub-Committee, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee, however the total number of substitutes made by a political group at a meeting may not exceed 50% of the political group's seat allocation on that committee.

6.3.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee when attending a meeting but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

6.3.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the monitoring officer by noon on the day of the meeting of the intended substitution.

6.3.4 When the ordinary member and a designated substitute are unable to attend a meeting, a nominated substitute member of the same group may attend the meeting after notifying the Monitoring Officer by 12 noon.

7. ATTENDANCE AT COMMITTEES OR SUB-COMMITTEES

- 7.1 The Mayor and the political group leaders can join the debate at any meeting of a Committee but they cannot vote at them.
- 7.2 A Cabinet Member can attend any meeting of a Scrutiny Committee or Scrutiny Commission at which a report under their portfolio is being considered, Cabinet Members can also be invited to attend a Scrutiny Committee meeting at the request of the Committee. The Member will not be allowed to vote.
- 7.3 A Member who has moved a motion at a Council meeting which has been referred to any Committee or Sub-Committee will have notice of the meeting when the motion will be considered, at which they will be entitled to introduce the motion. The Member will not be allowed to vote.
- 7.4 A Committee or Sub-Committee can invite any member who is not a member of the Committee to attend and speak at any one of their meetings. The Member will not be allowed to vote.
- 7.5 Members representing wards in respect of which a report containing exempt or confidential information relates, can attend the meeting at which the report is considered, unless the Chief Executive or the Monitoring Officer advises that the report must remain confidential and it is not necessary for Members (other than Members of the Committee or Sub-Committee) to be at the meeting in order to carry out their duties as a ward member.

8. COMMITTEE AND SUB-COMMITTEE POWERS AND DUTIES AND DELEGATION TO COMMITTEES AND SUB-COMMITTEES

- 8.1 The Monitoring Officer is responsible for maintaining and updating the terms of reference of all the Council's Committees.
- 8.2 All Committees can appoint a sub-committee from within its own membership and can delegate any of their powers and duties to the sub-committees, subject to any conditions the Committee sets for the Sub-Committee.

9. WORKING PARTIES FOR COMMITTEES

- 9.1 Committees can only appoint working parties where it would not be appropriate to refer the matter to a Scrutiny Committee or Scrutiny Commission. The Committee will decide how many Members and officers working parties will have, and their terms of reference which will be time limited. A working party will not have any powers, but will make recommendations and a report to the Committee that appointed it.

10. TIME AND PLACE OF MEETINGS

- 10.1 The time and place of meetings will be determined by the monitoring officer and notified in the summons.

11. NOTICE OF AND SUMMONS TO MEETINGS

- 11.1 The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Standing Orders (Procedure Rules). At least five clear days before a meeting, the monitoring officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted (the agenda) and will be accompanied by the relevant reports.

12. CHAIR OF MEETING

- 12.1 The person presiding at the meeting may exercise any power or duty of the Mayor/Chairman.

13. QUORUM

- 13.1 The quorum of a meeting of Council will be one quarter of the whole number of members.
- 13.2 The quorum of an appointed Committee or Sub-Committee will be more than half of the Members present, apart from the Employment Committee and the Appeals Committee (Service Issues), where the quorum will be three.
- 13.3 During any meeting if the Mayor/Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

14. DURATION OF MEETING

- 14.1 Meeting recess

The Mayor/Chairman will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

- 14.2 Interruption of the meeting

Where four hours have elapsed after the commencement of any Council meeting (and in the case of an Extraordinary meeting when two hours have elapsed since commencement of the meeting) the Mayor/Chairman shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Member speaking must

immediately cease doing so and sit down. The vote will be taken without further discussion. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

14.3 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within the four hour period (or two hour period in the case of an Extraordinary meeting), they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

14.4 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

14.5 Motions which may be moved

During the process set out in Standing Order 14.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

14.6 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor/Chairman will declare the meeting closed.

15. POSTPONEMENT OR CANCELLATION OF MEETINGS

15.1 Postponement or cancellation of the meetings in extenuating circumstances

Once the proper officer has given notice and summons of a meeting, the meeting may be postponed or cancelled in extenuating circumstances. Any postponement or cancellation must be with the agreement of Mayor/Chairman and in consultation with Group Leaders/Group Representatives. Any meeting may be cancelled if there is insufficient business.

16. QUESTIONS BY THE PUBLIC AT MEETINGS OF COUNCIL

16.1 General

16.1.1 Members of the public who are residents of the City may ask questions of Members of the Cabinet, the Chair of a Committee, the Chair of an Overview and Scrutiny Committee/Commission or a leader of a political group on the Council at meetings of the Council, other than the Annual

Meeting and, except at the discretion of the Mayor, Extraordinary Meetings.

16.1.2 The total time allocated for Questions by the Public shall be limited to 30 minutes.

16.2 Order of questions

The order in which questions shall be presented to the meeting shall be determined by a draw for each section of the meeting. The draws shall be conducted by the monitoring officer (or senior officer appointed for this purpose). The draws may be attended by any Member of the Council by prior notice delivered in writing to the monitoring officer before the deadline for submission of questions.

16.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the monitoring officer no later than midday five working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put. Notice must be provided at this time of any accompanying preamble to be given when putting the question to Council.

16.4 Number of questions

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

16.5 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the question.

16.6 Record of questions

The monitoring officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the

member to whom it is to be put. Rejected questions will include reasons for rejection.

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

16.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. Three minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

16.8 Supplemental question

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 Standing Order 16.5 above. One minute is allowed for putting the supplementary question.

16.9 Answers

Three minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question. Any question which cannot be dealt with, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

16.10 Reference of question to the Cabinet or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

16.11 There are no speaking rights at committee meetings other than those laid out in the Planning Speaking Scheme, which is available to view within the Committees terms of reference at Part 3 Section 2 of the Constitution.

17. PETITIONS PRESENTED AT COUNCIL

17.1 Petitions may be presented to the Council. The person presenting the petition will be allowed to address the meeting briefly (not exceeding

one minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition scheme, detailed in Part 5 Section 9 of the Constitution, unless a relevant item appears elsewhere on the Agenda.

18. QUESTIONS BY MEMBERS AT COUNCIL

18.1 On reports of Cabinet or Committees

At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader or the chair of a committee or any representative of the Council on the Combined Authority any question without notice upon an item of the report of the Cabinet or a committee or from the Combined Authority when that item is being received or under consideration by the Council.

18.2 Questions on notice at full Council

18.2.1 Subject to Standing Order 18.4, a member of the Council may ask:

- the Mayor;
- the Leader or member of the Cabinet;
- the chair of any committee or sub-committee; or
- any representative of the Council on the Combined Authority.

up to two questions on any matter in relation to which the Council has powers or duties or which affects the City and one question on any matter in relation to which the Combined Authority has powers or duties.

18.2.2 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information;

he or she will inform the Mayor who will then decide whether or not to reject the question.

18.2.3 The total time allocated for Questions under this item shall be limited to 30 minutes for questions to the Mayor, Leader or member of the Cabinet, or the chair of any committee or sub-committee, and 15

minutes for questions to any representatives of the Council on the Combined Authority.

18.3 Questions on notice at committees and sub-committees

Subject to Standing Order 18.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City and which falls within the terms of reference of that committee or sub-committee.

18.4 Notice of questions

A member may only ask a question under Standing Order 18.2 or 18.3 if either:

- a) they have given at least five working days notice in writing of the question to the monitoring officer;
- b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the monitoring officer by noon on the day of the meeting;
- c) the question is not substantially the same as a question which has been put at a meeting of the Council in the past six months.

18.5 Response

An answer may take the form of:

- a) a direct oral answer of up to three minutes;
- b) by reference to published material of the Council which is readily available to Members; or
- c) where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner.

18.6 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be allowed one supplementary question, of up to one minute, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter.

The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to two minutes to answer or may decline to answer.

- 18.7 Questions received should relate to broader matters that affect the Council. Any Ward specific questions will still receive a written response and be published in the minutes.

19. MOTIONS ON NOTICE

19.1 Drafting Motions

All Members must consider whether there is an alternative to submitting a motion which would achieve the same outcomes, prior to doing so, which may include:

- Referring the matter to a scrutiny committee for preliminary consideration;
- Requesting the issue be brought to a Cabinet meeting, committee meeting, informal briefing, or All-Party Policy meeting.

Members should provide reasons why alternatives were felt to be inappropriate when submitting a draft motion.

19.2 Draft motions with major implications

A draft motion will be considered to have major implications if it has significant resource implications (significant in this instance defined as the equivalent of £100,000 or more) or a significant impact on:

- Council policy or procedures (including budget-setting);
- the Council's strategic/contractual partners;
- the City of Peterborough as a whole

19.3 Notice of draft motions with major implications

Written notice of every draft motion with potential major implications must be delivered to the proper officer in its initial form by noon, 14 clear working days before the date of the meeting. The proper officer will then refer the draft motion to the Director of the relevant service area.

Should the Director consider that the motion does have major implications they will draft a briefing note setting out the reasons why the motion would fit within the Council's strategic plans, policies, or budget, or why it would not.

The motion must be delivered to the proper officer in its final form by noon, nine clear working days before the date of the meeting. The motion and Director's briefing note will then be published on the Council's website by 5pm nine clear working days before the date of the meeting.

19.4 Notice for Other Motions

Except for motions which can be moved without notice under Standing Order 19 and motions with major implications, written notice of every motion must be delivered to the proper officer in its initial form by noon eight clear working days before the date of the meeting and in final form noon six clear working days before the date of the meeting (not including the day of the meeting). These will be entered in a book open to public inspection.

19.5 Motions set out in agenda

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

19.6 Scope

If the monitoring officer considers that a motion:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

they will inform the Mayor who will then decide whether or not to reject the motion.

20. MOTIONS WITHOUT NOTICE

20.1 The following motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;

- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) that the meeting continue beyond 4 hours in duration (2 in the case of an extraordinary meeting);
- m) to suspend a particular standing order;
- n) to exclude the public and press in accordance with the Access to Information Standing Orders;
- o) to not hear further a member named under Standing Order 28.3 or to exclude them from the meeting Standing Order 28.4; and
- p) to give the consent of the Council where its consent is required by this Constitution.

21. STANDING ORDERS OF DEBATE

21.1 No speeches until motion seconded

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

21.2 Right to require motion in writing

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

21.3 Secunder's speech

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

21.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, statement of accuracy or point of order.

No speech may exceed five minutes by the mover of the motion or by three minutes in all other cases without the consent of the Mayor.

21.5 Budget Meetings

Rule 21.4 above, in respect of the length of speeches, shall not apply to a debate on the Budget where speeches shall not be subject to any time limit.

21.6 When a member may speak again

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

- a) to speak once on an amendment moved by another member;
- b) to move a further amendment if the motion has been amended since he or she last spoke;
- c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation and
- g) statement of accuracy.

21.7 Amendments to motions

- a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b) Except in relation to motions that can be moved without notice under Standing Order 19, written notice of every intended amendment to a motion or to recommendations from Cabinet or the Council's committees:

- (i) must be delivered to the monitoring officer in its initial form not later than noon three clear working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered; and
- (ii) must be delivered to the monitoring officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered. If no withdrawal, confirmation or change is received by the monitoring officer, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Mayor may permit, at his or her absolute discretion and to ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

- c) Amendments may be moved in turn following the movement of a motion. A motion and any amendments moved will be discussed at the same time.
- d) At the end of debate on a motion and any amendments to it, the amendments will be voted on in the order moved.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are made.
- f) After an amendment has been carried, the Mayor will read out the amended motion before moving on to the vote on any further amendments, or if there are none, moving to the vote on the substantive motion.

21.8 Alteration of motion

- a) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

21.9 Withdrawal of motion

A member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent

will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

21.10 Right of reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

21.11 Motions which may be moved during debate

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

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) that the meeting continue beyond 4 hours in duration (or two hours if an extraordinary meeting);
- g) to exclude the public and press in accordance with the Access to Information Standing Orders;
- h) to not hear further a member named under Standing Order 28.3 or to exclude them from the meeting under Standing Order 28.4; and
- i) that a specific standing order be suspended

21.12 Closure motions

- a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;

- (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
 - c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
 - d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

21.13 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or rule of law and the way in which he or she considers has been broken. The ruling of the Mayor on the matter will be final.

21.14 Personal explanation

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

21.15 Statement of accuracy

A member may make a request to the Mayor to make a statement of accuracy at any time. If permitted, the statement will be limited to the accuracy of a fact cited by the member speaking and may not exceed thirty seconds. The ruling of the Mayor on the admissibility of a statement of accuracy will be final.

22. STATE OF THE CITY DEBATE BY COUNCIL

22.1 Calling of debate

The Leader may call a state of the City debate annually on a date and in a form to be agreed with the Mayor.

22.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the City debate.

22.2 Chairing of debate

The debate will be chaired by the Mayor.

22.3 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

23. PREVIOUS DECISIONS AND MOTIONS

23.1 Motion to rescind a previous decision

A motion to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

23.2 Motion similar to one previously rejected

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

24. VOTING

24.1 Majority

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

24.2 Mayor's/Chairman's casting vote

If there are equal numbers of votes for and against (not including any formal abstentions), the Mayor/Chairman will have a second or casting vote. There will be no restriction on how the Mayor/Chairman chooses to exercise a casting vote.

24.3 Electronic Voting

For meetings of Full Council in the Council Chamber, voting will be by electronic voting. Should the electronic voting system be unavailable or breakdown, voting will revert to being undertaken by a show of hands as outlined in paragraph 24.4 below, unless a Recorded Vote is called for under 24.5. Other meetings in the Council Chamber may also choose to use electronic voting and should follow the same procedure.

Electronic voting will be undertaken by Members operating the individual control panel on their microphone sets which allows Members to vote 'yes', 'no', or 'abstain'.

The Council has adopted an Electronic Voting Procedure which will be followed at all times when using electronic voting. Individual voting results will be displayed on screens in the Chamber and a record will be subsequently published alongside the meeting minutes on the Council's website.

24.4 Show of hands

Unless a recorded vote is demanded under Standing Orders 24.4 and 24.5, the Mayor/Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

24.5 Recorded vote

If one quarter of members present and entitled to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in writing by calling a roll and entered into the minutes.

24.6 Budget decision

At a budget decision meeting of the Council the names of the persons who cast a vote for the decision or against the decision or who abstained from voting will be recorded in writing or via the electronic voting system and entered into the minutes of the proceedings of that meeting

For the purposes of this Standing Order:

- (a) "budget decision" means a meeting of the Council at which it—
 - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A,

42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and

(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

24.7 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

24.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

25. MINUTES

25.1 Signing the minutes

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

Members must notify the Monitoring Officer or Democratic Services by no later than 12noon on the day of the meeting, if they believe there has been a substantive omission or factually incorrect information recorded in the minutes.

25.2 There is no requirement to sign minutes of previous meeting at extraordinary meeting

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

25.3 Form of minutes

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

26. RECORD OF ATTENDANCE

- 26.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

27. EXCLUSION OF PRESS AND PUBLIC

- 27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Standing Orders in Part 4 of this Constitution or Standing Order 29 (Disturbance by Public).

28. MEMBERS' CONDUCT

- 28.1 Speaking and address system

When a member speaks at full Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, a point of personal explanation or a statement of accuracy. This rule will not apply to Committee or Sub-Committee meetings.

- 28.2 Mayor/Chairman

When the Mayor/Chairman speaks or stands during a debate or otherwise indicates that the meeting should come to order, any member speaking at the time must stop and sit down. The meeting must be silent.

- 28.3 Member not to be heard further

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

- 28.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor/Chairman or another Member may move that either the Member leaves the meeting or that meeting is adjourned a specified period. If seconded, the motion will be voted on without discussion.

- 28.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor/Chairman may adjourn the meeting for as long as he or she thinks necessary.

27.6 Conflicts of Interest

Members of the Council are under a duty to base their decision making on a consideration of the public interest. Members must avoid conflict between personal interest and the public interest, declare any personal interest when it arises and resolve any conflict between the two interests, at once, and in favour of the public.

29. DISTURBANCE BY PUBLIC

29.1 Removal of member of the public

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

29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared.

30. SUSPENSION OF COUNCIL PROCEDURE STANDING ORDERS

30.1 Suspension

All of these Council Standing Orders of Procedure except Standing Order 24.2 and 24.6 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

31. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

31.1 Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public.

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Section 4 - General Standing Orders

1. INTERESTS OF MEMBERS

- 1.1 If a Member has any disclosable pecuniary interests or other interests (within the meaning of the Members' Code of Conduct) the member shall disclose them to the meeting unless they are already entered in the register of members' interests or have been notified to the Monitoring Officer in writing (a "pending notification"). The Member need not leave the meeting, but may neither speak nor vote, unless a dispensation has been granted by the Monitoring Officer (to speak) or the Constitution and Ethics Committee (to speak and vote).
- 1.2 Members will give notice to the Monitoring Officer of all their respective interests under the Members' Code of Conduct.
- 1.3 Members of the public will be able to inspect the Register kept by the Monitoring Officer under Section 81 of the Local Government Act 2000 during normal office hours.
- 1.4 If a Member has a disclosable pecuniary interest or other interest under the Members' Code of Conduct they will declare the interest in accordance with the requirements of the Code of Conduct and should leave the room until consideration of the matter is finished.

2. OFFICERS' INTEREST IN CONTRACTS

The Monitoring Officer will record in a special book any notice an officer gives under Section 117 of the Local Government Act 1972 of a financial interest in a contract. The book will be open during office hours for the public to inspect.

3. SEALING DOCUMENTS

- 3.1 The Council will not attach its common seal to any document unless the sealing has been authorised in accordance with this Constitution
- 3.2 The following person or people will attach the seal:
 - (a) the Chief Executive, the Corporate Director Resources, the Director of Law and Governance or any lawyer authorised by him or her;
 - (b) the Mayor, the Deputy Mayor or another Member, together with the Chief Executive or the Director of Law and Governance or any lawyer authorised by him or her.

4. AUTHORITY TO SIGN DOCUMENTS

- 4.1 The Chief Executive, the Corporate Director Resources, the Director of Law and Governance or any lawyer authorised by him/her can sign on behalf of the Council:
 - (a) any contract (without the seal); and
 - (b) any document which that officer considers is proper and necessary to give effect to a resolution;

as long as nothing in this paragraph prevents any other person from being authorised to sign the document, where this Constitution allows.

5. CONTRACTS

5.1 The Chief Executive, the relevant Director, Head of Service or Assistant Director can approve any action and/or expenditure in respect of contracts provided that the action and/or expenditure is:

- (a) contained within an approved capital or revenue budget;
- (b) not contrary to the Council's Budget or Major Policy Framework; and
- (c) in line with Contract Regulations and Financial Regulations

6. EMERGENCY ACTION BY THE CHIEF EXECUTIVE

6.1 When the Chief Executive feels that circumstances make it necessary for the Council to take urgent action which would not otherwise be in accordance with the Constitution the Chief Executive is deemed to have delegated authority for this purpose, in consultation with the Leader and the Chairman of the relevant Scrutiny Committee.

6.2 A report on this action, and why it was necessary will be made to the next meeting of the Cabinet and the relevant Scrutiny Committee.

7. GENERAL AUTHORITY OF THE DIRECTOR OF LAW AND GOVERNANCE

7.1 If the Council has to issue any document in legal proceedings, the Director of Law and Governance may sign it unless someone else is authorised to do so by this Constitution.

7.2 The Director of Law and Governance has the authority to take all legal proceedings on behalf of the Council unless someone else is authorised to do so by this Constitution.

7.3 The Director of Law and Governance has the authority to defend all legal proceedings brought against the Council and to take any steps he or she considers necessary to do this.

7.4 If the Chief Executive is absent, the Director of Law and Governance will deal with all procedural matters within this Constitution.

8. MONITORING OFFICER

Each Chief Officer will immediately tell the Monitoring Officer of any proposal, decision or omission connected to their department which may lead to a report to the Council by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

9. SUSPENDING STANDING ORDERS

Any paragraph within Part 4 of this Constitution except Section 1, paragraph 13.15 , Section 2 paragraph 13.4, Section 3 paragraph 6 and 7 and Section 5, be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

10. VARYING AND CANCELLING STANDING ORDERS

When an addition or variation to, or cancellation of these standing orders is proposed and seconded, the motion will be postponed without discussion to the next ordinary meeting, unless the Monitoring Officer advises that the matter need not be postponed.

11. INTERPRETATION OF STANDING ORDERS

The Mayor's ruling on how to apply these Standing Orders will not be challenged at any meeting. His or her interpretation will be fully recorded in the Minutes.

12. STANDING ORDERS AND PROCEDURE RULES TO BE GIVEN TO MEMBERS

The Chief Executive will give each Member access to a copy of the Constitution and any legal provisions that regulate our proceedings and business.

13. POLITICAL GROUPS

13.1 Members who may, from time to time, be selected as leaders of political groups will be known as 'The Leader of the (name of group) Group'. The Member will give the Chief Executive written notice of their appointment for him or her to report to the Council's annual meeting, or at any other time when a new selection is made.

13.2 If a political group has given notice that a Member is authorised to act in place of the Leader of the Group, the Member will be entitled to act for the relevant leader if the leader is absent or incapable or unwilling to act. The Member will give the Chief Executive notice that they are authorised to act, and will then receive any documents which the Leader of the Group would have been entitled to.

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Section 5 - Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, the Executive and its Committees.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in this Section 5.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Town Hall.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Town Hall at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.2 Where reports are prepared after the summons has been sent out, the Solicitor to the Council shall make each such report available to the public as soon as the report is completed and sent to Members.

6. SUPPLY OF COPIES

The Council will supply copies to any person on payment of a charge for postage and any other costs:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Members in connection with an item.

7. ACCESS TO MINUTES AFTER THE MEETING

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

- (a) the Minutes of the meeting or records of decisions taken, for all meetings referred to in paragraph 1 above, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

8.1.1 The Chief Executive 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 or her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report.

8.1.2 The documents referred to in (a) and (b) above do not include published works or those which disclose exempt or confidential information and in respect of Executive reports, the advice of a political advisor.

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

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

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information - requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

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

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to the qualifications as outlined in 10.2 above):

CATEGORY	
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 of 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 or investigation or prosecution of crime.

QUALIFICATIONS
<p>Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.</p>
<p>Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.</p>
<p>Information in one of the seven categories of exempt information which is not prevented from being exempt by either of the two points described above is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.</p>

10.5 Meaning of exempt information relating to the Scrutiny Commission for Health Issues

In accordance with the Health and Social Care Act 2001, exempt information relating to the overview and scrutiny of health services falls within the following 14 categories (subject to any condition):

Category	Condition
1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a relevant body.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of a relevant body.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
3. Information relating to any particular applicant for, or recipient or former recipient of any service provided by a relevant body	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by a relevant body	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
5. The amount of any expenditure proposed to be incurred by a relevant body under any particular contract for the acquisition of property or the supply of goods or services	Information within paragraph 5 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with a relevant body in respect of the property, goods or services, whether the advantage would arise as against that body or as against other such persons

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<p>6. Any terms proposed or to be proposed by or to a relevant body in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services</p>	<p>Information within paragraph 6 is only exempt if, and for so long as, disclosure to the public of the terms would prejudice a relevant body in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it)</p>
<p>7. The identity of a relevant body (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services</p>	<p>For the purposes of this paragraph “tender” includes a Contract Services written bid</p>
<p>8. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between a relevant body or a Minister of the Crown and employees of, or officer-holders under, a relevant body</p>	<p>Information within paragraph 8 is only exempt if and for so long as its disclosure to the public of the information would prejudice a relevant body in those or any other consultations or negotiations in connection with a labour relations matter “Labour relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute</p>
<p>9. Any Instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings), and any advice received, information obtained or action to be taken in connection with: (a) any legal proceedings by or against a relevant body; or (b) the determination of any matter affecting a relevant body; (whether, in either case, proceedings have been commenced or are in contemplation).</p>	
<p>10. Information relating to a particular person who is or was formerly included in, or is an applicant for inclusion in, a list of persons undertaking to provide services under Part 2 of the 1977 Act prepared by a Health Authority.</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>11. Information relating to a particular person who is or was providing services, or has made a request to a Health Authority to become a person providing services, under arrangements under section 28C of the 1977 Act.</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>12. Information relating to a particular person who is or was formerly performing personal medical services or personal dental services in accordance with arrangements under section 28C of the 1977 Act.</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>13. Information relating to any particular employee, former employee, or applicant to become an employee, of a person referred to in paragraph 10, 11 or 12.</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>14. Information relating to the physical or mental health of a particular individual.</p>	

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 11.1 If the Monitoring Officer feels that a report or document contains confidential or exempt information he or she must mark the report or document 'Not for Publication - paragraph ... of Schedule 12A to the Local Government Act 1972'.
- 11.2 If a report or document is marked 'not for publication' the contents will not be quoted or revealed before or after the meeting, unless before the report is discussed, the meeting decides at the beginning that the matter should be dealt with in public.
- 11.3 Any Member who considers that parts of the report or document do not contain confidential or exempt information which can be made public, can ask the Monitoring Officer to issue an amended report with the confidential and exempt information deleted. The Monitoring Officer will decide whether the Council can do this.
- 11.4 The author of a report which contains exempt information must explain why the information is confidential or exempt. If it is possible to remove exempt information from a report and put it in an annex to the report, the annex will be marked with the appropriate words set out in paragraph 11.1 above. If the meeting wants to debate the information contained in the exempt annex, the appropriate resolution to exclude the public can be moved.
- 11.5 If a report contains exempt or confidential information as defined above the Chief Executive may in consultation, with the Leader/Chairman of the Committee and representatives of the other groups on the Committee, dispatch the report at an appropriate time. If this happens, and the report is not given with the agenda paper for the meeting, the Chief Executive will explain why, and this will be recorded in the Minutes.
- 11.6 If a report containing exempt information is given out in the meeting, the Leader/chairman of the Committee will allow Members a reasonable period to read and consider the report during the meeting, before it is discussed. No Member will leave the meeting while the information is being considered.

12. SCRUTINY COMMITTEE AND SCRUTINY COMMISSION - ACCESS TO DOCUMENTS

12.1 Rights to copies

Subject to paragraph 12.2 below, Scrutiny Committees and Scrutiny Commissions will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Cabinet; or
- (b) any decision taken by an individual member of the Cabinet.

12.2 Limit on rights

The Scrutiny Committees and Scrutiny Commissions will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

13. RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

13.1 Material relating to previous executive business

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

- (a) it contains exempt or confidential information ; or
- (b) it contains the advice of a political adviser.

13.2 Material relating to key decisions

13.2.1 All Members will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which relates to any key decision unless paragraph 13.1.1 (a) or (b) above applies.

13.3 Nature of rights

13.3.1 These rights of a Member are additional to any other legal rights he or she may have.

14. MEMBERS' RIGHTS IN RELATION TO OTHER DOCUMENTS

14.1 A Member can inspect any document the Council holds or controls (except only those available in draft form) which contains material about any business the Council deals with, unless the document reveals exempt or confidential information.

14.2 Where a Member wishes to inspect a document containing exempt or confidential information the Member will say which document they want to inspect and why they want to inspect it. If the Chief Executive or the Solicitor to the Council is satisfied that the Member has a reason to inspect the document in order to carry out their duty as a Member, he or she will allow the Member to inspect it. If the Chief Executive or Solicitor to the Council is not satisfied, he or she will refer the request to the next Council or Committee meeting. The Chief Executive or the Solicitor to the Council will tell the Chairman of the appropriate meeting that a Member has asked to see the document and the Chairman shall decide if the Member has a right to inspect the document.

14.3 Where the Chief Executive or the Solicitor to the Council decides to disclose exempt information which discloses any personal information he or she will generally not have to seek the consent of the individual to disclose that information to a member if:

- The Member represents the ward in which the individual lives
- The Member makes clear that they are representing the individual
- The information is necessary to respond to the individual's complaint

14.4 Where however the information is particularly sensitive the Chief Executive or the Solicitor to the Council may choose to obtain the individual's specific consent.

14.5 If a Member has inspected or received documents which contain exempt or confidential information they will not reveal the information to anyone who is not authorised by the Council or the Chief Executive to receive the information.

15. ADDITIONAL RIGHTS AND RESPONSIBILITIES IN RELATION TO DOCUMENTS

- 15.1 A Member will not knowingly inspect and will not call for a copy of any document relating to a matter which they are professionally interested in, or which they have any financial interest in within the meaning of the Council's Code of Conduct.
- 15.2 The Chief Executive or the Solicitor to the Council may refuse to allow a Member to inspect any document which is, or in the event of legal proceedings would be, confidential between solicitor and client.
- 15.3 If a document which a Committee or sub-Committee has considered contains confidential or exempt information, a Member can only inspect it if they can prove to the Chief Executive or the Solicitor to the Council that they legitimately need to know the contents of the document so they can carry out their duties as a Member.
- 15.4 If a Member has inspected or received documents which contain exempt or confidential information they will not reveal the information to anyone who is not authorised by the Council or the Chief Executive to receive the information.
- 15.5 If a meeting finds out that a Member has revealed confidential or exempt information which it is responsible for, it will consider the matter and, if it feels it is necessary, it will recommend that the Council remove the Member from that body, or take other appropriate action. Such action is without prejudice to the Council's Code of Conduct for Councillors contained in Part 5 of the Constitution.
- 15.6 A Member must apply to the Chief Executive or the Solicitor to the Council if they want to inspect any document we hold which they do not have a legal right to inspect in order to carry out their duty as a Member. The Member will say which document they want to inspect and why they want to inspect it. If the Chief Executive or the Solicitor to the Council is satisfied that the Member has a reason to inspect the document in order to carry out their duty as a Member, he or she will allow the Member to inspect it. If the Chief Executive or Solicitor to the Council is not satisfied, he or she will refer the request to the next Council meeting. The Chief Executive or the Solicitor to the Council will tell the Chairman of the appropriate meeting that a Member has asked to see the document.

Section 6 - Budget and Policy Framework Procedure Rules

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to initiate and implement it.

2. PROCESS FOR DEVELOPING THE COUNCIL'S BUDGET

- 2.1 The Council's Medium Term Financial Strategy (MTFS) will be reviewed and reported on a quarterly basis throughout the year. The Cabinet will consider the revised financial assumptions and Financial Strategy on these occasions. The Corporate Director of Resources will confirm the Medium Term Financial Strategy and Budget timetable at the Annual Council meeting, alongside confirmation of the meeting calendar.

- 2.2 This approach will ensure members are fully abreast of the latest financial assumptions and the financial strategy being worked towards. This will support the delivery of the Council's corporate priorities and will include identified budget proposals for consideration by the Joint Meeting of Scrutiny Committees prior to submission to Council.

- 2.3 The Executive shall consider the Council's Budget and Medium Term Financial Strategy in line with the following high-level timetable. This will include consideration of the MTFS assumptions with the Revenue and Capital Budgets, the Asset Investment Strategy, Capital Strategy and the Treasury Management Strategy being recommended in the February Budget Setting Council meeting,

Timescales	Update
June/July	MTFS Quarter 1 Update
September	MTFS Quarter 2 Update
December	MTFS Quarter 3 Update
February	<p>Council Budget Setting meeting, including: MTFS Quarter 4 update including other associated strategies (eg Treasury Management) Budget Setting Report, including:</p> <ul style="list-style-type: none"> • Council Tax Resolution • Revenue and Capital Budgets for the following year • Section 25 Statement

- 2.4 Prior to formal documentation being presented to Joint Meeting of Scrutiny Committees or the Executive, budget proposals and revised financial assumptions will be developed and reviewed by the Corporate Leadership Team (CLT) and

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Cabinet Policy Forum (CPF). These will then be considered by the Financial Sustainability Working Group (FSWG). The FSWG will be required to support and contribute to the development of these budget proposals and develop additional proposals that will contribute towards containing expenditure within the approved budget for the current financial year and balancing the budget in future financial years. These options will be discussed with Cabinet Members and the FSWG (terms of reference for the group is attached Appendix 1).

MTFS Quarterly Update

- 2.5 The MTFS Quarterly update report will provide an updated financial assessment of the Council's financial assumptions and the financial strategy being implemented, for members to note. This will be presented to Joint Meeting of Scrutiny Committees or the Executive. However, where the report outlines identified budget proposals for consideration, these will follow the required consultation and decision-making process, based on the financial impact, in line with the Council's budget virement policy, and the change in policy or service provision, and the impact will be clearly outlined in an Equality Impact Assessment. All budgetary changes for the following financial year will be outlined within the Budget Setting Report.

Budget Setting Meeting

- 2.6 Following the Local Government Provisional Finance Settlement In late December/ early January, Cabinet will formally publish the proposed Revenue and Capital budget alongside a revised Medium Term Financial Strategy (MTFS) and if required, it will be subject to a consultation process, which will commence at this time. As part of the consultation process, the Cabinet shall formally consult on the budget proposals with all scrutiny committees at a joint meeting on these proposals. The Cabinet shall also consult with local stakeholders, including residents, partner organisations and businesses, to ensure that decisions made reflect the views of the community and members.
- 2.7 Following consultation, the final Revenue and Capital budget and consolidated MTFS will be considered by the Executive and presented to Council at the Budget Setting Council Meeting for approval, no later than 25 February. This will ensure the Council fulfills its duty to ensure a lawful and balanced budget and to set the Council Tax by 11 March in a timely manner.
- 2.8 At any stage during the year, Cabinet Members may also consult and seek advice from any Scrutiny Committee about relevant service issues in relation to the formulation of budget proposals. Scrutiny committees have the ability to develop their own proposals as part of any themes they are reviewing as part of their work programme. Any such proposals will be reported to Cabinet and Cabinet will formally respond when recommending their budget proposals.
- 2.9 The Growth, Resources and Communities Scrutiny Committee will have overall oversight of the Strategic Financial Planning including, budget and finance issues, including Council Tax and the Treasury Management Strategy.

3. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK

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- 3.1 Where statutory deadlines allow, at least two months before a plan or strategy in the policy framework needs to be adopted by Council, the relevant Scrutiny Committee will consider initial proposals for the plan or strategy. Details of any consultation processes shall be included in relation to each of these matters in the Forward Plan, where the plan or strategy is being recommended by the Cabinet. The consultation process shall be published and available on the Council's website.
- 3.2 Any representations made to the relevant Scrutiny Committee shall be taken into account when considering the initial proposals and shall be reflected in any report dealing with them. If the matter is one where a Scrutiny Committee has carried out a review of policy, then the outcome of that review will also be considered alongside the initial proposals.
- 3.3 The Scrutiny Committee may consult local stakeholders, any or all Members and any such persons or communities as they shall consider appropriate, allowing a period of four weeks for them to respond to the initial proposals, unless there are special factors that make this timescale inappropriate. If there are, it will inform the consultees of the time for response when the proposals are referred to them.
- 3.4 With the exception of the Corporate Priorities, the relevant Scrutiny Committee will submit its proposals, including any views received during the consultation process, to the Cabinet for them to determine and make recommendations to Council.

4. ADOPTION OF BUDGET AND POLICY FRAMEWORK

- 4.1 The Cabinet will consider the comments of the Scrutiny Committees and, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the scrutiny committee.
- 4.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the relevant Scrutiny Committees.

ALTERNATIVE BUDGETS AND AMENDMENTS TO THE BUDGET

- 4.3 Where, at a Council meeting, a Member wishes to move an alternative budget to be adopted by the Council, they must not propose a budget which would mean setting an unlawful / deficit budget. An alternative budget is deemed to be one that proposes a different level of council tax. If a Member wishes to propose an alternative budget, they must consult with the Chief Finance Officer and the Council's finance team at least a month before formal notice (referred to in section 4.5) is required. This is to ensure that the financial implications have been adequately assessed.
- 4.4 Where at a Council meeting a Member wishes to move amendment(s) to the budget to be adopted by the Council they must not propose amendments which would mean setting an unlawful/deficit budget. An amendment should not include a

proposed change to the level of council tax, or significant changes to the financial assumptions of service delivery, which would otherwise require consultation.

- 4.5 Members must give formal notice in writing of any proposed amendment(s) to the budget or any which would constitute an alternative budget to the Chief Finance Officer no later than 12 noon 10 working days before the Council meeting (not including the day of the meeting). Such notice shall be circulated to all Members and the alternative proposal(s) and amendments will all be dealt with as amendments in the order they are received by the Proper Officer.
- 4.6 The Council's decision will be published on the Council's website. The Proper Officer will notify the Leader of the Council's decision and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- 4.7 The amended proposals will be considered by the Chief Financial Officer by no later than 12 noon 5 clear working days before the day of the Council meeting, excluding the day of the meeting itself. The Chief Financial Officer will confirm the legality and impact of all proposed amendments. Any that, in the Chief Financial Officer's opinion, are unlawful shall be rejected. The Chief Financial Officer will share all amended proposals, together with Finance sign off and comments, with the Chief Executive and Monitoring Officer by 5pm 5 clear working days before the day of the Council meeting, excluding the day of the meeting itself. All proposed amendments will be shared with all Elected Members, by email, by the Chief Financial Officer by 12 noon 3 clear working days before the Council meeting, excluding the day of the meeting itself.
- 4.8 If the Leader objects to the decision of the Council, he or she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- 4.9 The Council meeting must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 4.10 The Council shall at that meeting make its final decision which shall be published on the Council's website, and shall be implemented immediately.
- 4.11 These procedures only applies to plans which relate to executive functions. Plans that relate to non-executive functions will be reported to the relevant committee prior to submission to Council.

5. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 5.1 Subject to the provisions of paragraph 6 below, the Executive may only take decisions which are in line with the Budget and Policy Framework. If the Executive wishes to make a decision which is contrary to the Policy Framework, or contrary to/not wholly in accordance with the Budget approved by the Council, then that decision may only be taken by the Council. In approving the Medium Term Financial Strategy, the Council will specify the level of virement within the budget. Any other changes to the Budget and Policy Framework are reserved to the Council.
- 5.2 The Executive shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether a decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by the Executive to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 below apply, However the decision may only be taken:
- (a) if it is not practical to convene a quorate meeting of the full Council;
 - (b) if the Chair of the Growth, Resources and Communities Scrutiny Committee agrees that the decision is a matter of urgency;
 - (c) In the absence of the Chair of the Growth, Resources and Communities Scrutiny Committee, the Chair of the Scrutiny Committee relevant to the decision must give consent;
 - (d) In the absence of both Chairs, the consent of the Mayor or Deputy Mayor will suffice.
- 5.3 The reasons for urgency and why it is not practical to convene a quorate meeting of the Council, along with the Chairman of the relevant scrutiny committee's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision
- 5.4 Following the decision, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. IN-YEAR CHANGES TO BUDGET OR POLICY FRAMEWORK

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Executive, an individual member of the Executive or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (a) Which will result in the closure, amendment or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) Which are necessary to ensure compliance with the law, ministerial direction or government guidance;

- (c) Where the changes do not exceed virement limits set by Council;
- (d) A policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1 Where a 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 Financial Officer.
- 7.2 Where the Monitoring Officer and/or Chief Financial Officer are of the opinion that the decision in question is contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's Budget then they shall prepare a report to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, a scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:
 - (a) endorse a decision or proposal of the Executive decision taken as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;
 - (b) amend the Council's Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way;
 - (c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Financial Officer.

Financial Sustainability Working Group – Terms of Reference

Objective

The Council is driving forward its plan to deliver a Future Sustainable Council, which includes the delivery of a Corporate strategy and performance framework, a Medium Term Financial Strategy and a balanced revenue and capital budget. There is an expectation from Government, expressed within the DLUHC review (2021) that the Council will move to this sustainable budget position by the 2023/24 financial year.

The Council has drafted an Improvement Plan in response to the DLUHC review and put in place an Independent Improvement and Assurance Panel, which will support the Council (members and Officers) to achieve financial sustainability.

The Financial Sustainability Working Group is a core cross party working group of members, which will work in partnership, with a common goal of supporting the delivery of the improvement plan and longer-term financial sustainability, with key activities including

- Reviewing the Council's expenditure and services, ideas presented by officers
- Producing ideas of their own for officers to evaluate with a view to recommending a sustainable, balanced budget to Cabinet for the next financial year and the medium term.
- Reviewing the current year financial position including the delivery of the savings programme and making recommendations to be incorporated as part of a revised budget, in order to strengthen the current financial position and deliver savings and efficiencies at the earliest opportunity.
- Reviewing the Progress of the delivery against the Improvement plan objectives and making recommendations to be considered which will support the delivery of these.

These terms of reference set out the purpose, membership and operations of this new cross party working group.

Purpose

The primary purpose of the Financial Sustainability Working Group (FSWG) is to support the delivery of a Future Sustainable Council and a balanced and sustainable budget by:

- A thorough review of all the Council's expenditure and income budgets;
- The formulation of a balanced and sustainable budget for the following financial year, which is within the Council resource envelope;
- The formulation of a Medium Term Financial Strategy covering a period of 3-5 years.
- Reviewing budget ideas and proposals presented by senior officers and agreeing which of those ideas are incorporated in the budget and which require further work to be undertaken;
- Identifying new savings, income generation and efficiency opportunities and work with officers to develop these to bring back to the group for review;
- Reviewing the Council's on the budget position during the current financial year including:

- Revenue Budget
- Capital programme
- Reserve levels
- Savings Programme delivery
- Asset disposals
- The delivery of the outcomes outlined within the Councils Improvement Plan

Constitution & powers

This is a working group of Cabinet and any recommendations would be made to Cabinet for consideration and approval.

Membership

The FSWG shall comprise of:

- Group Leaders and their Deputies;
- The Finance Spokesperson for each Group;
- The Cabinet Member for Finance.

Substitution arrangements will not apply.

The Financial Sustainability Working Group shall appoint a Chair and Vice -Chair at its first Meeting. The quorum of the Working Group shall be half plus one based on the agreed membership at the start of each financial year.

Operations

Meetings will be held on a monthly basis, Meetings may be held more or less frequently as the Group sees fit.

Meetings of the Working Group will be supported by the Chief Executive and the Section 151 Officer. The Corporate Leadership Team will attend as necessary to present and discuss proposals and respond to Group queries.

Papers distributed prior to the meetings will be confidential as proposals being discussed could directly affect Staff and Service users. Meeting and notes, attendance and actions will be recorded by democratic services.

Section 7 - Executive Procedure Rules

1. POWERS AND DELEGATIONS

1.1 Power to make executive decisions

The Leader can appoint the following to carry out executive functions:

- (a) the Cabinet
- (b) a Committee of the Cabinet
- (c) an individual Member of the Cabinet
- (d) an officer
- (e) another local authority
- (f) a joint arrangement

1.2 Delegation by the Leader

At the Annual Council Meeting each year the Leader will present a written list of delegations for the coming year which will form part of the Council's Scheme of Delegation as set out in [Part 3 to this Constitution](#).

The document will include the following:

- (a) the names and wards of the Members appointed to the Cabinet
- (b) the extent and limitation of authority delegated to Cabinet Members individually
- (c) the terms of reference and constitution of any executive committees, the names of Cabinet Members appointed to them, and the appointment of the Chairman and Vice-Chairman of any executive committee
- (d) the nature and limitations of any delegation of any other authority
- (e) the names of those Cabinet Members appointed to any joint committee
- (e) the nature and limitations of any delegation to officers, including the title of the officer the delegation is made to.

1.3 Sub-delegation of Executive Functions

1.3.1 Delegations can only be delegated further with the agreement of the Leader where the Cabinet, a Committee of the Executive or an individual Member of the Cabinet is responsible for an executive function.

1.3.2 Where executive functions have been delegated, the function can still be carried out by the person or body who delegated it.

1.3.3 Where the Cabinet or a Cabinet Member delegates to a Committee, or joint arrangements, will publicise the terms of reference and constitution of the committee will be published. When delegating to an officer, the nature, extent and limitations of the delegation will be published.

1.4 Amendments to Delegations

1.4.1 The Leader can amend the delegations at any time by giving written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must provide full details of the amendments required. The Monitoring Officer will present this to the next ordinary meeting of the Council.

1.4.2 The Leader can withdraw delegation from a Committee of the Cabinet by serving notice to its Chairman.

1.5 Conflicts of Interest

1.5.1 Any conflict of interest for a Cabinet Member will be dealt with in accordance with the Council's Code of Conduct in [Part 5 of this Constitution](#).

1.5.2 If a conflict of interest arises where delegating is to a Committee of the Cabinet, a Member or an officer, the function will be exercised by the person or body who made the delegation.

2. PUBLIC AND PRIVATE MEETINGS

2.1 Executive decisions delegated to the Cabinet or to a Committee of the Cabinet will be taken at a meeting convened in line with the Access to Information Rules in [Part 4 Section 5 of this Constitution](#). This meeting will be held in public except when the Leader or Cabinet has agreed to:

- (a) exclude the press and public from all or part of a meeting in accordance with the Access to Information Rules, or
- (b) exclude a Member or Members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with Council's standing orders.

2.1 If the Cabinet or a sub-committee needs to meet in private to take a decision that involves exempt or confidential information, the meeting can only take place if:

- (a) notice has been published at the Town Hall and on the Council's website giving the reasons why the meeting is to be held in private at least 28 clear (calendar) days before the meeting. This notice will be included in the forward plan.
- (b) a further notice is published at the Town Hall and on the Council's website at least 5 clear days before the meeting giving the reasons for holding the meeting in private and any representations received. This will form part of the Cabinet agenda.

2.2 If it is not possible to comply with the terms outlined above because a decision is considered to be urgent, the following people can authorise the meeting to take place and for the decision to be taken:

- (a) Chairman of the relevant Scrutiny Committee
- (b) Mayor (where there is no chairman or they are unable to act)
- (c) Deputy Mayor (in the absence of the Mayor)

2.3 A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred will be published at the Town Hall and on the Council's website as soon as reasonably practical after agreement has been obtained.¹

3. CABINET MEETINGS

¹ (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

3.1 **Frequency of Cabinet meetings**

The Cabinet will meet up to 10 times per municipal year at times and locations to be agreed by the Leader.

3.2 **Quorum**

The quorum for a meeting of the Cabinet, or a Committee of it, is three Members.

3.3 **Chairman**

The Leader will preside over any meeting of the Executive or its Committees at which they are present, or can appoint another person to do so.

3.4 **Business to be transacted**

Each meeting of the Cabinet will include the following business:

- (a) Apologies for absence from Members
- (b) Receive the minutes of the previous meeting
- (c) Declarations of interest
- (d) To receive any petitions
- (e) Matters referred to the Cabinet by a scrutiny committee or by the Council for reconsideration
- (f) Consideration of business on the Forward Plan
- (g) Consideration of other reports from a scrutiny committee
- (h) Urgent Items of business with the consent of the Leader provided the rules below have been followed. The Leader will explain why the matter is urgent and the reasons given will be recorded in Cabinet's minutes.

3.5 **Consultation**

All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must include details of the nature, extent and outcome of consultation with the Scrutiny Committees and with stakeholders. Reports about other matters will include details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

3.6 **The Executive agenda**

3.6.1 The Leader will decide the schedule for the meetings of the Cabinet. The Leader can add any items to the agenda and the Monitoring Officer will comply with their requests.

3.6.2 A scrutiny committee and Full Council can resolve that an item be considered by the Cabinet. The Monitoring Officer will ensure the item is included on the agenda of the next available meeting.

3.6.3 Any Member or Committee may ask the Leader to put an item on the agenda of an Executive meeting for consideration. If the Leader agrees, the Monitoring Officer will put an item on the agenda. The item will give the name of the Member or Committee that asked for the item to be considered.

- 3.6.4 The Monitoring Officer and/or the Chief Financial Officer can add an item to the agenda of a Cabinet meeting in pursuance of their statutory duties. If any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they can jointly include an item on the agenda of a Cabinet meeting. If there is no meeting soon enough to deal with the issue in question, an additional meeting can be convened.
- 3.6.5 The Chief Executive and Directors can include an item on the agenda of a Cabinet meeting and will be entitled to attend that meeting, speak on the item in question and have their views recorded in the minutes.

4. PROCEDURE BEFORE TAKING KEY DECISIONS

- 4.1 Subject to the paragraphs on urgency and special urgency below, a key decision cannot be taken unless:
- (a) the Forward Plan of Executive Decisions including the item has been published for at least 28 clear (calendar) days;
 - (b) at least five clear working days have elapsed since the publication of a report; and
 - (c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Access to Information Rules [Part 4 Section 5 of the Constitution](#).

5. THE FORWARD PLAN OF EXECUTIVE DECISIONS

- 5.1 The Forward Plan of Executive Decisions contains all matters subject to an executive decision to be taken by:
- 1. Cabinet
 - 2. Committees of the Cabinet
 - 3. Cabinet Members
 - 4. officer key decisions
 - 5. under joint arrangements
- 5.2 It will describe the following as far as the information can reasonably be obtained:
- (a) that a key decision is being made on behalf of the local authority
 - (b) the subject matter
 - (c) the name and position of the decision maker or the name of the body taking the decision
 - (d) the date on which, or the period within which, the decision will be taken
 - (e) the principal groups the decision maker intends to consult before taking the decision
 - (f) options available to any person to make representations to the Cabinet or the decision maker and the date by which this must be carried out
 - (g) a list of the documents submitted to the decision taker for consideration
 - (h) the address where supporting documents can be seen (subject to any restrictions)
 - (i) that other relevant documents can be submitted to the decision maker and the procedure for requesting copies.
- 5.3 Exempt information need not be included in the Forward Plan and confidential information cannot be included.

- 5.4 An item can be referred to a scrutiny committee before a decision is taken. The relevant Cabinet Member can delay the executive decision making timetable whilst awaiting their response. If the Cabinet Member and Scrutiny Chairman are unable to agree if a matter should be referred for pre-scrutiny prior to the decision being made the Leader will make the final decision.

6. GENERAL EXCEPTION - URGENCY

- 6.3 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to special urgency, the decision can still be taken if:
- (a) it is impractical to defer the decision until it has been included in the next Forward Plan and the start of the first period because the decision must be taken sooner.
 - (b) the Monitoring Officer has informed the Chair of the relevant Scrutiny Committee, or in the absence of a Chair, each Member of that Committee by notice in writing
 - (c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council
 - (d) at least five clear working days have elapsed since the Monitoring Officer complied with paragraphs (b) and (c) above.

- 6.4 Where such a decision is taken by Cabinet as a whole, it must be taken in public subject to these provisions.

7. SPECIAL URGENCY

Should a decision need to be taken urgently and the provisions in paragraph 6 above cannot be followed, the decision taker (an individual or the Chair of the decision making body) must obtain the agreement of the Chair of the relevant Scrutiny Committee before the decision can be taken. If there is no Chair of this Committee, or if the Chair is unable to act, then the agreement of the Mayor, or in his or her absence the Deputy Mayor will suffice.

8. REPORTS ON SPECIAL URGENCY DECISIONS

Executive decisions taken in the circumstances set out in paragraph 7 (Special Urgency) will be reported to the Council by the Leader. The report will include the number of decisions taken and a summary of each decision within preceding three months.

9. RECORD OF DECISIONS

Following a meeting of the Cabinet or its Committees, (either public or private), the Monitoring Officer or person presiding will produce a record of every decision taken at that meeting as soon as is practical and in accordance with the timetable for call-in arrangements. The record will include the reasons for each decision and any alternative options considered and rejected.

10. NOTICE OF MEETING OF THE CABINET

Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

11. ATTENDANCE AT MEETING OF THE CABINET

- 11.3 **Cabinet Members:** All Cabinet Members will be served notice of all Cabinet Committee meetings, whether or not they are Members of that Committee.

All Cabinet Members are entitled to attend any meeting of any Cabinet Committee.

- 11.4 **Officers:** Directors with an item to be discussed at a public meeting can attend the meeting and speak to that item, and to have their views recorded.

- 11.5 **Ward members:** Ward Members will be served notice of meetings of the Cabinet where the Cabinet will discuss an item which affects that Member's Ward. Ward Members have the right to address the Cabinet and make representations or ask questions on behalf of their constituents who will not be entitled to participate or ask questions themselves. This includes when exempt matters are under discussion, where the matter relates to the member's ward, subject to the same conditions as apply to attendance at committee or sub-committee meetings set out in [Part 4, Section 1](#).

- 11.6 **Members of Scrutiny Committee:** The Cabinet will consider the recommendations of the relevant Scrutiny Committee before making a decision. The Chairman of that committee or their nominee may speak in support of their committee's recommendations if the Leader agrees.

12. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

- 12.3 **Reports intended to be taken into account**

When a Cabinet Member receives a report from an officer which they intend to consider when making a key decision, the decision will not be taken until at least five clear days after receipt of that report.

- 12.4 **Record of individual decision**

By no later than 5.30pm on the second working day after an executive decision has been taken by a Cabinet Member or a key decision has been taken by an officer, a record of the decision will be prepared. This will include a statement of the reasons for it and any alternative options considered and rejected. The rules set out in [Section 5 – Access to Information Procedures](#) will also apply to the making of decisions by Cabinet Members. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

13. CABINET WORKING PARTIES

The Leader, the Cabinet or a Cabinet Member can only appoint a working party to advise about a particular issue if the matter cannot be referred to a Scrutiny Committee. The Leader, Cabinet or Cabinet Member will decide how many Members and officers the working party will have, and whether Members from more than one political group should be represented. The working party will make recommendations and reports but will not have any decision-making powers.

Section 8 - Scrutiny Committee Procedure Rules

1. MEETINGS OF THE SCRUTINY COMMITTEES

- 1.1 There will be up to six ordinary meetings of each Scrutiny Committee in each municipal year. These dates are set by the Council at its Annual meeting.
- 1.2 Extraordinary meetings will be called when appropriate. The following can call a Scrutiny Committee meeting:
 - The Chairman.
 - Any three Members of the Committee.
 - The Proper Officer if they consider it necessary or appropriate.
- 1.3 This process is specified in Part 4, Section 1 - [Council Standing Orders](#).

2. CHAIRMAN AND VICE-CHAIRMAN

- 2.1 Council will appoint the Scrutiny Chairmen and Vice-Chairmen from within the Committee Membership as it considers appropriate.

3. CO-OPTED MEMBERS

- 3.1 As well as any statutory co-opted members, Scrutiny Committees can co-opt up to four non-voting members on to the Committee.
- 3.2 There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will decide these.
- 3.3 A Scrutiny Committee can co-opt a further three members at its discretion. One of these can be a second parish council member identified by the Parish Council Liaison Committee.

4. WORK PROGRAMME

- 4.1 Scrutiny Committees will be responsible for setting their own work programmes for the next year.
- 4.2 At the beginning of the municipal year the lead Corporate and Service Directors will present an overview of their service areas. This will highlight any future challenges, service changes and changes in legislation as well as policies, plans or strategies due for review or development. That the annual work programme must take account of matters which affect the rural area.
- 4.3 The Committee will identify one or two key themes or topics arising from the presentation to focus on for the rest of the municipal year. The Chairman will establish arrangements with the Committee to put in place and review its programme.
- 4.4 Items deemed 'for information only' will be circulated outside of the meetings.

5. AGENDA ITEMS

- 5.1 Any Member may, with seven days' notice, require the Proper Officer to place an item on the agenda for the next Committee meeting. This must be relevant to the functions of the Committee. The Monitoring Officer will ensure that the request is included on the next available agenda and will inform the Chairman. The Committee will discuss the request and it will only be pursued further if the Committee agrees to do so.
- 5.2 The following items are 'excluded matters' and are not able to be included on the agenda:
- (a) Any matter outside those functions set out in the Local Government Act 2000 as amended.
 - (b) Any matter relating to a licensing or planning decision.
 - (c) Any matter relating to an individual body where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman).
 - (d) Any matter which is vexatious, discriminatory or not reasonable to be included on Scrutiny Committee agenda.
- 5.3 Scrutiny Committees will also respond to requests from the Council and, if considered appropriate, the Executive to review particular areas of Council activity. The relevant Committee will report its findings and any recommendations to the Executive and/or Council.

6. REPORTS FROM SCRUTINY COMMITTEES

- 6.1 The Scrutiny Committee will submit reports to the Council. If the proposals are an executive function and consistent with the existing Budget and Policy Framework Scrutiny Committees will submit reports to the Proper Officer for consideration by the Executive.
- 6.2 If a Scrutiny Committee cannot agree on one single final report then two or more opposing Members of the Committee can submit a minority report. Only one minority report can be submitted alongside the majority report. The minority report must set out the alternative recommendations and the reasons.
- 6.3 The Executive will consider the report of a Scrutiny Committee within one. In the case of a report to Council the Proper Officer will submit the report for consideration at the next Council meeting.
- 6.4 When the Council considers a report from a Scrutiny Committee, if it impacts on the Budget and Policy Framework, Council will also consider the Executive's response to the proposals.
- 6.5 Scrutiny Committees will have access to the Forward Plan of.
- 6.6 If a Scrutiny Committee thinks that a key decision relating to their terms of reference has been taken which was not:
- (a) Included in the Forward Plan for a period of no less than 28 clear days.
 - (b) The subject of the general urgency exceptions.
 - (c) The subject of the special urgency exceptions.

The Committee can require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. This power is also delegated to the Monitoring Officer, who can require such a report on behalf of the Committee following a request by:

- The Chairman.

- Any five members of the Committee.

6.7 The Scrutiny Committee can also pass a resolution to raise the requirement at its meeting.

6.8 The Cabinet will submit a report to the next available meeting of the Council. If the next meeting of the Council is within nine days of receipt of the written notice, or the resolution of the Scrutiny Committee, then the report can be submitted to the following Council meeting.

6.9 The report to Council will set out:

- Details of the decision.
- The individual or body making the decision.
- If the Leader considers that it was not a key decision, the reasons for that opinion.

7. ROLE IN POLICY DEVELOPMENT

7.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in the [Budget and Policy Framework Procedure Rules](#).

7.2 For development of policy outside of the Budget and Policy Framework, Scrutiny Committees can make proposals to the Executive in line with their terms of reference.

7.3 Scrutiny Committees can investigate the available options for future policy development. Scrutiny Committees can also appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they consider reasonably necessary to inform their deliberations. They can ask witnesses to attend to address them on matters under consideration, and can pay reasonable fees and expenses for doing so.

8. RIGHTS OF SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

8.1 Members of Scrutiny Committees have the extra right to documents and to notice of meetings as set out in the [Access to Information Procedure Rules](#).

8.2 Nothing in those Procedure Rules prevents more detailed disclosure between the Executive and the Scrutiny Committees as appropriate, depending on the particular matter under consideration.

8.3 Members retain all other legal rights to inspect and access documents.

9. MEMBERS AND OFFICERS GIVING ACCOUNT

9.1 Scrutiny Committees can scrutinise decisions made or actions taken in connection with the discharge of any Council functions. Committees can also require any member of the Executive, the Head of Paid Service, and/or any Director or Head of Service to attend any meeting to provide an explanation in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which actions were taken to implement Council policy; and/or
- (c) the performance of services for which they are responsible.

It is the duty of those persons to attend and answer questions put to them.

9.2 The Chairman will inform the Proper Officer when any Member or officer is required to attend a meeting of the Scrutiny Committees. The Proper Officer will then inform the Member or officer in writing giving at least seven working days' notice in advance of that meeting. The notice will

state the nature of the relevant item and whether any papers are required. If the Committee require the production of a report then sufficient notice will be given to the Member or officer concerned.

- 9.3 Where, in reasonable circumstances, the Member or officer is unable to attend a meeting they will arrange a substitute. The Member or officer will inform the Proper Officer. If this is not possible the Member or officer will inform the Proper Officer. The Scrutiny Committee will, in consultation with the Member or officer, arrange an alternative date for their attendance. This should take place within a maximum of 10 days from the date of the original meeting date.

10. CALL-IN OF DECISIONS

- 10.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under [section 9F\(2\) and 9F\(4\) of the Local Government Act 2000 \(as amended by the Localism Act 2011\)](#). These powers allow Scrutiny Committee's to review an executive decision before implementation. Where a decision is called-in and the Scrutiny Committee refers it back to the decision maker, it cannot be implemented until the call-in process is complete.
- 10.2 Any decision made by the Executive, an Officer or other body with delegated authority from the Executive is subject to call-in. A decision can only be called-in once. A Cabinet recommendation to the Council is not a decision and may not be called-in.
- 10.3 Call-in should only be used in exceptional circumstances. Members of a Scrutiny Committee must have evidence that the decision was not taken in accordance with [decision making principles](#).
- 10.4 Provided the decision falls within the remit of a Scrutiny Committee's terms of reference a Scrutiny Committee can exercise the call-in procedure and the power to refer a decision back for reconsideration.
- 10.5 [The Budget and Policy Framework Procedure Rules](#) governs the call-in of decisions which may be contrary to the Budget and Policy Framework. These will require a reference to Council by a Scrutiny Committee on a report from the Monitoring Officer or Chief Finance Officer.

The Call-in Procedure

- 10.6 Once made the decision will be published on the Council's website and will be available in hard copy at the Town Hall. All Members of the Council will be sent electronic copies of the notices of all such decisions.
- 10.7 The decision notice will include:
- The publication date.
 - That the decision will be implemented three working days after the publication of the decision (not including the date of publication).
- 10.8 The implementation date will not apply if a request for call in is received from any three Members of a Scrutiny Committee within the three day period. If a request for call-in of a decision is received, implementation of the decision will be suspended.
- 10.9 A request to call-in a decision must be received by the Proper Officer within the period from publication and before the date of implementation, and the request to call-in a decision must be made in writing or electronically using the agreed form.
- 10.10 The form must:

- (a) set out the resolution or resolutions that the Members wish to call in;
- (b) give the reasons why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive;
- (c) whether it is considered to be outside the policy or budget framework;
- (d) set out the alternative course of action or recommendations they wish to propose;
- (e) be signed and dated by any three Members of a Scrutiny Committee. Voting Diocesan and parent governor representatives may request the call-in of decisions relating to education matters only.

10.11 The call-in request will be deemed valid unless any of the following apply:

- (a) the procedures set out above have not been followed properly;
- (b) the decision has been recorded as urgent as set out below;
- (c) the request for call in is not a proper use of the call in provisions taking into account the following factors:
 - i) where the matter has been considered as part of pre-decision scrutiny by a scrutiny committee;
 - ii) whether there has been any substantive changes to the nature of the decision being made since any pre-decision scrutiny of the proposals;
 - iii) a decision taken by cabinet when preparing the annual budget or new policy proposals for submission to Council for decision.

10.12 If the call-in request is deemed valid the Proper Officer will notify the decision-taker of the request. This includes that implementation of the decision is suspended until further notice. Subject to required timescales, the relevant Scrutiny Committee will discuss the request for call-in at its next meeting.

10.13 Where there is a meeting of the Scrutiny Committee within ten working days of the request, or soon after, then the matter will be included on that agenda. Where no such meeting is scheduled, the Proper Officer will call a meeting of the relevant Committee within that time frame. Where the Chairman will be consulted.

10.14 The decision will take effect on the date of that meeting if:

- The Scrutiny Committee does not meet by the date set.
- The Scrutiny Committee meet but does not refer the matter back to the decision making person or body.

10.15 The Proper Officer will notify the decision taker that the decision can then be implemented.

10.16 Having considered the call-in and the reasons given, the relevant Committee may either:

- (a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision making body's next schedule meeting;
- (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- (c) decide to take no further action, in which case the original executive decision will be effective immediately.

- 10.17 If referred back to the decision taker they will then reconsider whether to amend the decision before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.
- 10.18 Where the decision was taken by the Executive a meeting will be held to reconsider the decision within ten working days of the referral, or soon after with the agreement of the Leader. Where the decision was made by an individual, the individual will reconsider within five working days of the referral.
- 10.19 If a decision relates to an executive function only the Cabinet can ultimately decide the matter, as long as it is in accordance with the Council's Budget and Policy Framework.

Speaking Scheme for Call in

- 10.20 Any members of the public or Members not on the Committee can address the Committee in relation to request to call in a decision must register with the Proper Officer by 12 noon on the day before the meeting.
- 10.21 The following procedure will apply for each item.
- (a) Members who requested the call-in will address the Committee;
 - (b) Other Members or members of the public who have registered to speak and who support the call in may address the Committee;
 - (c) The Committee may ask questions to Members who requested the call in;
 - (d) Officers or the Cabinet Member who has portfolio responsibility for the decision will address the Committee and respond to the call in.
 - (e) Members or members of the public who oppose the call-in and support the decision may address the Committee;
 - (f) The Committee may ask questions to those who support the decision
 - (g) The Scrutiny Committee will debate the call-in and get advice from officers where appropriate;
 - (h) The Scrutiny Committee will reach a decision.
- 10.22 The Committee can decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes:-
- (a) Members who requested the call in
 - (b) Other Members or members of the public who support the call in;
 - (c) Members or members of the public in support of the decision
- 10.23 If more than one objector or supporter wants to speak the Chairman will ask the supporters and objectors to appoint a spokesperson to represent their views.

CALL-IN AND URGENCY

- 10.24 The call-in procedure set out above will not apply where the decision is urgent or becomes urgent during the process. A decision will be urgent if any delay would seriously prejudice the Council's or the public interest. The request for a decision to be deemed urgent will be considered by the Chair of the relevant committee and the Monitoring Officer. They will take into account the reasons provided. If there is no Chair of this committee, or if the Chair is unavailable to act, then the agreement of the Mayor, or in his or her absence the Deputy Mayor will suffice. The decision will only be taken if the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.
- 10.25 The public record of the decision will state:
- Why in the opinion of the decision making person or body, the decision is or has become an urgent one.
 - The consent of the relevant Scrutiny Chair.
 - In the absence of all Scrutiny Chair, the consent of the Mayor will be required. In their absence, the consent of the Deputy Mayor will be sufficient.
- 10.26 Decisions taken under the urgency procedures and where call in has been waived will be reported to the next available meeting of the Council. Details of the reasons of urgency will also be provided.
- 10.27 The operation of the provisions relating to call-in and urgency shall be monitored annually. A report will be submitted to Council with proposals for review if necessary.

11. THE PARTY WHIP

- 11.1 The phrase 'the party whip' means any instruction given by a political group to any Member of that group on how they will speak or vote on an agenda item. This could also refer to the application (or threat) of a sanction by the group should a Member speak or vote in a particular way.
- 11.2 When considering a matter a Member must declare the existence and nature of any whips before discussions begin. This declaration will be recorded in the minutes of the meeting.

12. PROCEDURE AT MEETINGS

- 12.1 The Scrutiny Committees will consider the following business:
- (a) The minutes of the previous meeting;
 - (b) Declarations of interest (including whipping declarations);
 - (c) Any matter referred to the Committee for a decision in relation to 'call-in' of a decision, from another Committee;
 - (d) Consideration of petitions;
 - (e) Any matter referred by a Member under Section 119 of the Local Government and Public Health Involvement in Health Act 2007 ('Councillor call for action');
 - (f) Responses of the Executive to reports of the Scrutiny Committee;
 - (g) Any items related to themed scrutiny reviews, focusing on the agreed themes of the Committee and any other reports as required and agreed;
 - (h) The business otherwise set out in the agenda for the meeting;
 - (i) Recommendations Monitoring Report;
 - (j) The latest version of the Forward Plan of Executive Decisions;
 - (k) The Committees work programme
- 12.2 Where the Scrutiny Committees conduct investigations, they can ask people to attend to give evidence at meetings. All meetings will be conducted under the following principles:

- (a) That the investigation is conducted fairly and efficiently.
- (b) All Members of the Committee are given the opportunity to ask attendees questions and to contribute to debate;
- (c) That those assisting the Committee by giving evidence are treated with respect and courtesy.

12.3 The Chairman has the discretion to hear from anyone they consider will assist the debate. This will only apply if the contribution is related to an item of business on the agenda for the meeting.

12.4 Following any investigation or review, the Committee will prepare a public report for submission to the Executive and/or Council.

13. JOINT MEETINGS OF SCRUTINY COMMITTEES

13.1 A joint meeting of two or more Scrutiny Committees can be held if:

- (a) The relevant Chairman agrees that a joint meeting will enable more effective and efficient scrutiny of a particular item of business.
- (b) If the respective group representatives have been consulted.

13.2 The joint meeting can be held on the scheduled date for a meeting of any of the participated committees, or another more practical date.

13.3 All Members of the respective committees will be entitled to speak and vote at the joint meeting. The Chairman will be appointed from among the Chairmen of the Committees who are holding the meeting. If they are absent a Chairman will be appointed from the Committee Members present.

13.4 The joint meeting will count towards each involved committee's annual programme of up to six meetings per year.

14. TASK AND FINISH GROUPS

14.1 Scrutiny Committees have the power to set up Task and Finish groups to consider any matter within their terms of reference.

14.2 The specific terms of reference for the Task and Finish group will be agreed by the relevant Committee when the group is set up. These will include the membership of the group and the proposed dates of reporting to the parent body.

14.3 Each Task and Finish group may co-opt no more than two non-elected members to the group. The number of co-opted members will not exceed the number of elected Members. Co-opted members will be able to contribute to the debate of the group and will be able to vote on any decisions made. Co-opted members will not be able to vote on any decisions when the final report is considered by the parent body.

14.4 Task and Finish groups will carry out reviews and policy development work allocated to them by the parent body.

14.5 Task and Finish groups will keep the parent body informed of their progress. They will produce a report for consideration by the relevant parent body at the end of the review.

14.6 Once a Task and Finish group's final report has been considered by the parent body the Group will be disbanded.

15. PUBLIC PARTICIPATION IN SCRUTINY

15.1 The public may participate in the scrutiny process by:

- (a) attending meetings;
- (b) presenting petitions; and
- (c) asking questions or speaking at a meeting

15.2 Members of the public can speak or ask questions with the agreement of the Chairman. To do so they must register no later than 12 noon three working days before the meeting. Any points raised must be relevant to an item of business on the agenda. Each speaker can address the Committee for up to three minutes.

16. REPORTS

Each year every Scrutiny Committee must provide a full report on their activities. This report will include recommendations for future work programmes and changes to working methods. During the year they will report the outcome of any significant issues and make recommendations to:

- the Executive,
- the Council, or
- other public sector bodies where it has powers to do so.

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Section 9 - Officer Employment Procedure Rules

1. INTRODUCTION

- 1.1. 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. These rules govern the way that officers are appointed and dismissed and focus in particular on the role that elected members have in officer appointments and dismissals.

2. DEFINITIONS

- 2.1. In these rules:
- "Chief Officer" means a statutory chief officer or a non-statutory chief officer who, as respects all or most of the duties of his/her post, reports directly to the Head of Paid Service
 - "Deputy Chief Officer" means a Service Director or Assistant Director who as respects all or most of the duties of his/her post, reports directly to a chief officer
 - A Head of Service or position of an equivalent level or below shall not be regarded as a Chief Officer or Deputy Chief Officer even though they may report directly to a Chief Officer or the Head of Paid Service.
 - Proper Officer means the Head of Paid Service, Monitoring Officer, Assistant Director HR & Development or their delegated officer.

3. RECRUITMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 3.1. Where the Council proposes to appoint a Head of Paid Service, Chief Officer or Deputy Chief Officer the Council will draw up a statement specifying:
(a) the duties of the officer concerned; and
(b) any qualifications or qualities to be sought in the person to be appointed.
- 3.2. Where it is proposed that the appointment will not be made exclusively from among their existing officers the Council will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- 3.3. The Council will make arrangements for a copy of the statement mentioned above to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1. The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Employment Committee (or such other Committee as the Council shall determine), provided that the Committee includes at least one Cabinet Member
- 4.2. Before any recommendation is made by the Committee to Council, every Cabinet Member must be notified of:
(a) the name of the person to be appointed;
(b) any other particulars relevant to the appointment;
(c) the period within which objection to the appointment or dismissal is to be made; which shall be at the point the Leader has confirmed no objection to the proper officer.
- 4.3. The full Council may only approve the appointment where no material or well-founded objection has been made by the Leader or Cabinet Member.

5. APPOINTMENT OF CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

- 5.1. The Employment Committee will approve the appointment of Chief Officers and Deputy Chief Officers provided that the Committee includes at least one Cabinet Member. For the

appointment of a Chief or Deputy Chief Officer, the relevant Cabinet Member is invited and entitled to attend the Employment Committee meeting in its entirety

- 5.2 Before any decision is made by the Committee every Cabinet Member must be notified of:
- (a) the name of the person to be appointed;
 - (b) any other particulars relevant to the appointment;
 - (c) the period within which objection to the appointment is to be made; which shall be at the point the Leader has confirmed no objection to the proper officer.
- 5.3 The Committee may only approve the appointment of a Chief Officer or Deputy Chief Officer where no material or well-founded objection has been made by the Leader on behalf of himself or other Cabinet Member.

6. DISCIPLINARY ACTION & DISMISSAL OF THE HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

- 6.1 The full Council will consider the dismissal of the Head of Paid Service, Chief Finance Officer and/or Monitoring Office following a relevant recommendation which has been considered by the Independent Panel.
- 6.2 The Independent Panel will be established on annual basis by Council meeting, as per the Local Government Act 1972, section 102(4).
- 6.3 Independent persons would be invited to be appointed to the panel in the following order of priority:
- 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
 - An independent person who has been appointed by another council or councils
- 6.4 The Council will pay remuneration to the Independent Panel Members which shall be limited to the level of remuneration paid to independent persons who are members of the Standards Committee.
- 6.5 Before any recommendation is made by the Independent Panel to Council, every Cabinet Member must be notified of:
- (a) the name of the person to be dismissed;
 - (b) any other particulars relevant to the dismissal;
 - (c) the period within which objection to the dismissal is to be made; which shall be at the point the Leader has confirmed no objection to the proper officer. The full Council may only approve the dismissal where no material or well-founded objection has been made by the Leader or other Cabinet Member.

7. DISMISSAL OF OTHER CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 7.1. The Employment Committee will approve the dismissal of all other Chief Officers and Deputy Chief Officers provided that the Committee includes at least one Cabinet Member
- 7.2. Before any decision is made by the Committee every Cabinet Member must be notified of:
- (a) the name of the person to be dismissed;
 - (b) any other particulars relevant to the dismissal;
 - (c) the period within which objection to the appointment or dismissal is to be made; which shall be at the point the Leader has confirmed no objection to the proper officer.
- 7.3. The Committee may only approve the dismissal of a Chief Officer or Deputy Chief Officer where no material or well-founded objection has been made by the Leader on behalf of himself or other Cabinet Member.

8. APPOINTMENT AND DISMISSAL OF OTHER OFFICERS

- 8.1. Appointment of officers other than Chief Officer, Deputy Chief Officer, assistants to political groups and an assistant to the Mayor is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members.
- 8.2. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

- 8.3. 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 Member or officer of the Council or of the partner of such persons.
- 8.4. No candidate related to a Member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him or her.
- 8.5. Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.
- 8.6. The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 8.7. No Member will seek support for any person for any appointment with the Council.
- 8.8. This does not preclude a Member or the Mayor from giving a written reference for a candidate for submission with an application for appointment.
- 8.9. Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, procedures, as adopted from time to time which may allow a right of appeal to Members in respect of dismissals.

9. PUBLICATION OF SALARIES AND EXPENSES OF THE CHIEF EXECUTIVE, AND CHIEF OFFICERS

- 9.1 The Council will publish the salaries and expense claims of its Chief Executive, and Chief Officers on an annual basis at the same time as the allowances and expense claims of its elected Members are published. This information will be published on the Council's website in accordance with the Transparency Code.

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Peterborough City Council

Contract Rules

Under Section 135, Local Government Act 1972

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Introduction to Contract Rules

These Contract Rules are made pursuant to the power under section 135 of the Local Government Act 1972 to make standing orders with respect to the making of contracts for or on behalf of the Authority, which is a power reserved to Council as a function that may not be exercised by the Cabinet (executive) by virtue of schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Where a decision to procure goods or services or the decision to award a contract is an executive (Cabinet) function, who may or may not make that decision and up to what financial limits is to be determined in accordance with the Leader's Scheme of Delegation in operation at that time. The Leader's Scheme of Delegation can be found at Section 3 (Executive Functions) of Part 3 (Delegations) of the Constitution

These Rules apply to contracts or agreements with external organisations where the Council pays for:

- goods and/or services;
- works of any kind;
- hire, rental or lease of equipment.

The Rules also apply to any contracts made using:

- framework agreements,
- Constructionline (the UK register of pre-qualified construction services), recognised pre-qualified lists (Select Credit),
- or any contracts to be awarded on behalf of schools which are part of the LEA.

For high value contracts, officers must comply with national and European legislation and guidance issued by the Cabinet Office, Crown Commercial Services which will **override** these Rules. You must seek advice from Legal Services and the Procurement Team about that process.

Which contracts are NOT covered?

These Rules do **not** apply to:

- Arrangements between different parts of the Council. Such arrangements are covered by service level agreements (**SLA**). For example, an agreement for Legal Services to provide legal advice to the Strategic Property team;
- Employment contracts between an individual and the Council;

- Buying or leasing land or buildings. These are covered by the Land Disposal Rules within the Financial Regulations;
- Grants of money. Grants cannot be contracts as they do not deliver services to the Council. Any grants of money must be in accordance with the Constitution and prior advice should be sought from Legal Services in relation to the governance process for award of grants and the legal documentation that will be required to be put in place. These Rules are not a guide to purchasing. These are the fundamental rules designed to ensure ethical processes around contracting.
- Certain collaborative arrangements between local authorities eg section 75 agreements.
- Public body to Public body co-operation - Contracts with other public bodies where the parties come together to deliver a public service, under the following conditions;
 - (i) achieve objectives which are common to both parties; and
 - (ii) the arrangement is solely for the public interest; and
 - (iii) the parties perform less than 20% of the services covered by the arrangement on the open market.
- In-house awards (this is where the Council awards a contract to an entity it controls. This exemption will only apply if **all** of the following conditions are met;
 - (i) The Council exercises a similar control on the entity as it does with its own departments;
 - (ii) The entity carries out more than 80% of its activities for the Council;
 - (iii) There is no private sector money in the entity.

Note that contracts for healthcare services covered by the NHS (Procurement, Patient Choice and Competition (No.2) (Regulations) 2013 will be governed by the Public Contracts Regulations 2006 until 18 April 2016, after which date the Public Contracts Regulations 2015 will apply.

Officer responsibilities

All officers must:

- Comply with the Council's Financial Regulations and, in particular, declare any conflicts of interest in a potential contract or with bidders;

- Declare any gifts or hospitality received either before, during or after the procurement;
- Report any gifts or hospitality which may have improper motive to the Internal Audit team;
- Not disclose any confidential information to unauthorised persons;
- Ensure they have authorisation for the contract from an appropriate officer or member;
- Conduct the procurement process in a open and transparent manner;
- Enter all consultancy and interim manager contracts and certain higher value (above £50,000), or high risk contracts onto the POWA management system;
- Ensure the Serco procurement team are engaged to support the process as necessary
- Achieve the best value for money achievable;
- Be fair to all bidders;
- Ensure that all equality issues are addressed (carrying out an equality impact assessment where required).

Chief Officer Responsibilities

The Constitution states:

“The Chief Executive, Directors and the Deputy Chief Executive are authorised to deal with contractual matters in accordance with the contract rules” (Part 3)

Therefore Directors must:

- Ensure that their Officers comply with these Rules and the Financial Regulations;
- Ensure their Officers inform the Serco Procurement team of all procurement exercises, including contracts awarded so that it can maintain an accurate and up-to date register of all Council contracts;
- Check that they have an appropriate authorisation, or have put in place an appropriate delegated authorisation, before any contract is awarded and commenced.

By following the Rules, officers will:

- ensure the Council’s procurement is legal;
- deter corruption;
- achieve value for money;

- show that the Council is accountable for its expenditure;

Advice and assistance

Officers can also contact the following people for advice and assistance:

Contracts and Procurement Team

Project Delivery

Legal Services

Israr Ahmed Tel: 452326

Alex Maxey Tel: 452325

Serco Procurement Team

buyingsupport@peterborough.gov.uk

1. [Richard McCarthy Tel : 384606](tel:384606)

Quick Reference Guide

VALUE (Including VAT)	PROCESS	EXEMPTION FROM RULES BY	DECISION TO AWARD	FORMALITIES	AUTHORITY TO SIGN OR SEAL CONTRACT	OTHER
Contracts under £25K	1 quotation	Exemption report signed by Corporate Director Resources	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (Financial system)	CEX or relevant Director (if written contact exists) or delegated authority	
Contracts between £25K & £50K	3 quotations For Contracts over £25,000, also place advert on Contracts Finder.	Exemption report signed by Corporate Director Resources in consultation with the Head of Legal Services	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (Financial system) and correspondence	Authorised signatory or relevant Director or delegated authority	Enter contract onto contract register
Contracts between £50K and EU threshold (£213,477 for goods and services or £5,336,937 for works or £663,540 for services falling under Sch 3 of the Public Contracts Regulations 2015)	Tender with 4 bidders For Contracts over £25,000, also place advert on Contracts Finder.	Exemption report signed by Corporate Director Resources in consultation with the Head of Legal Services	Contract award notice signed by relevant Director or CEX or their delegates	Formal contract approved by Legal Services	Authorised signatory (CEX or Corporate Director Resources or Head of Legal Services) or delegated authority All contracts over £100k are to be sealed under the Council's seal.	Seek advice on bonds or parent company guarantee Enter project on POWA Notify risks to risk register Written approval of Director and Head of Legal Services to terminate or assign

						Extension to be agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
<p>Contracts over EU threshold (£213,477 for goods and services, £5,336,937 for works or £663,540 for services falling under Sch 3 of the Public Contracts Regulations 2015)</p>	<p>EU process (seek procurement and legal advice including advice on social improvements for services contracts)</p>	<p>Only statutory exemptions from the EU process are permitted</p> <p>Officers cannot provide exemption from the statutory rules</p>	<p>Contract award notice signed by relevant Director or CEX or their delegates</p> <p>Key decisions must be on the Forward Plan at least 28 days in advance</p>	<p>Formal contract approved by Legal Services</p>	<p>Contract sealed</p> <p>Authorised signatory (CEX or Corporate Director Resources or Head of Legal Services) or delegated authority</p>	<p>Seek advice on bonds or parent company guarantee</p> <p>Enter project on POWA</p> <p>Notify risks to risk register</p> <p>Written approval of Director and Head of Legal Services to terminate or assign</p> <p>Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.</p>
<p>Contracts subject to EU process and over £500K (Applies to goods, services and works contracts over £500K)</p>	<p>Apply the relevant process above</p>	<p>For goods and services: Only statutory exemptions from the EU process are permitted. Officers cannot provide an exemption</p>	<p>Key Cabinet Member Decision Notice (CMDN) signed by the Cabinet member</p> <p>Decision on Forward Plan</p>	<p>Formal contract approved by Solicitor to Council</p>	<p>Contract sealed</p> <p>Authorised signatory (CEX or Corporate Director Resources or Head of Legal Services) or delegated authority</p>	<p>Seek advice on bonds or parent company guarantee</p> <p>Enter project on POWA</p> <p>Notify risks to risk register</p>

		For works contracts: The Executive Director, Resources can approve exemptions up to the EU threshold	at least 28 days in advance			Written approval of Cabinet member to terminate or assign Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
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NOTE FIGURES ABOVE EU THRESHOLDS ARE SUBJECT TO CHANGE AND YOU SHOULD CHECK WITH LEGAL SERVICES AND SERCO PROCUREMENT

Section 1 – Beginning the Process

Before beginning any purchase you have to go through each of the steps in this section. It will help you determine how to apply the remainder of these rules.

Before contracting

Before any purchase you must take the following essential steps to ensure that you are getting best value for the Council:

- Calculate the total contract value
- Consider whether any corporate contracts ought to be used
- Research the market
- Discuss with the Serco procurement team
- Consider what other advice/assistance you may need:
 - Does the contract involve land or buildings e.g. is a lease or licence required? If so, contact the *Estates* team and finance team;
 - Are any employees affected by the contract? If so, contact *Human Resources & Legal Services*;
 - Is equipment, plant or machinery to be transferred under the contract? If so, consider *Financial Regulations and seek advice from finance team*;
 - Is there any issue of state aid? If so, contact *Legal Services*;
 - Who has the correct delegated authority to authorise the contract? Contact *Legal Services* if in doubt;
 - Are there any equality issues within the contract, are there any requirements that need to be considered under the Public Sector Equality Duty, is an equality impact assessment required? If assistance is required, contact *Legal Services*;
 - Contract value issue?
 - Is the contract really a SLA or a Grant Agreement? If assistance is required, contact *Legal Services*;

Does the contract involve services above the EU threshold? If so, consider what social improvements might be secured and if consultation is required (under the Public Services (Social Value) Act 2012. Contact *Legal Services* if in doubt;

- Prepare a Business Case (POWA) for any contract using consultants or interim managers of any value or other contracts above £50K

Calculate the total contract value

The contract value determines the process you must follow under these Rules. The valuation must be inclusive of any VAT payable.

You can calculate the total estimated value of the contract according to a simple formula

$$\text{Annual value} \times (\text{number of years} + \text{extension period}) = \text{total value}$$

The calculation may be subject to the following variances:

- where the contract is for a fixed period, the value is the total price to be paid or which might be paid during the whole of the contract period, including any possible extensions to the contract period;
- where a number of goods or services contracts are to be entered into, the estimated value of each contract shall be the total value of the payment which the Council expects to pay under each of those contracts;
- where a number of works contracts are to be entered into, the estimated value for carrying out the works shall be total value of the payment which the Council expects to give under all the contracts for carrying out the works;
- where the contract is for services has been provided over an indefinite period the value is obtained by multiplying the monthly payment under the contract by 48;
- where a service contract includes one or more options the estimated value of the contract shall be determined by calculating the highest possible payment which could be given under the contract;
- where the contract is a single contract comprising services, supplies or works in combination, the value is calculated according to the price of the largest element of the contract.

Some contracts may not be for a cash value. Where this is the case please contact Legal Services who will assist you in calculating the contract value.

You should not enter into a series of separate lower value contracts with the intention of avoiding these Contract Rules.

Prepare a business case or mandate

The POWA system has been designed by the Council to monitor projects undertaken by the Council or using Council budgets. You must use POWA if it involves;

- Any purchasing as part of a project which is outside of 'business as usual'.
- Any use of a consultant or interim manager.
- Any purchase over £50,000 in value.
- Any contract carrying high risk.

There are no strict financial limits around the requirement to enter a project on POWA but it is considered best practice for officers to make more comprehensive use of the POWA system.

Information and guidance on POWA can be found on Insite.

Please see the 'Consultant and interim's Policy' on Insite for further information on the use of consultants and interim managers.

Corporate contracts

The Council has entered into a number of partnership arrangements for either;

- direct delivery of internal services (e.g. IT with Serco);
- direct delivery of its services to the public e.g. the refuse collection service provided by Enterprise, leisure and cultural services provided by Vivacity), or
- centralised procurement of other bought in services (e.g. travel and hotel bookings, agency staff etc.).

These contracts create an exclusive arrangement between the Council and our partners for the services those partners provide. This means that you are obliged to use these service providers for the services they deliver. These are referred to throughout these Rules as the corporate contracts.

For all other services which fall outside of those contracts you have to tender any purchasing on the open market. You must also invite our partner to tender for the goods, services or works if they have the ability to provide those services but, within that tendering process, they are treated the same as any other bidder.

Failure to use the corporate contracts may result in the Council being in breach of contract and is likely to incur financial penalties for the Council.

Please contact the Serco Procurement team for advice on our corporate contracts.

Contracts reserved for mutuals

You can limit competition for services such as administrative services in relation to education, healthcare and housing, health and social work services, library and other cultural services to

mutual type organisations. For such contracts the maximum duration is three years. A mutual type organisation must meet all of the following requirements;

1. The organisation's objective must be the pursuit of a public service mission linked to the services set out in the Public Contracts Regulations 2015;
2. The profits of the organisation must be re-invested to achieve the mission;
3. The organisation must be employee owned or require active employee organisation;
4. The organisation must not have been awarded a contract under this process within the last three years.

Contact the Legal Services Team, Serco Procurement Team and Finance Team if you wish to undertake such a process.

Research the market

Researching the market is an important tool in identifying potential cost savings to the Council. The Serco Procurement Team can assist you to identify where you can add value to your tendering process by undertaking proper market research.

You are permitted to consult potential suppliers prior to starting your purchase in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided you do not:

- prejudice any potential bidder; or
- favour any potential bidder so as to distort competition.

Where the Council has invited a potential bidder to take part in preliminary discussions then the outcome of any such discussions must be shared with all bidders participating in the procurement process.

You may also seek or accept advice from individual experts/bidders and use the advice in your planning for the procurement process. Ensure that you act fairly with all bidders and do not favour one bidder over the other, also keep a record of all measures taken.

The Serco Procurement Team can assist you with carrying out effective market research.

Framework agreements or local market tendering

The Council's Procurement Strategy will determine whether you should seek to achieve cost efficiencies through use of framework agreements or whether you should tender in smaller lots as

a way to encourage bids from small to medium enterprises (SME's), in particular to target and stimulate local business.

There are numerous framework agreements for pre-tendered goods and services. There is generally no requirement to use a framework agreement but best value is often achieved by procuring through a framework agreement.

Use of a framework agreement may require you to engage in a mini-competition. This will be determined by the terms and conditions relating to the framework.

The Procurement Team can advise you on the various framework agreements available and provide advice on how to structure your tender to take advantage of the competition.

In some cases it may be preferable to tender the contract in smaller lots to allow local businesses the opportunity to tender for the work. Whilst smaller contracts may encourage local businesses to tender, you cannot limit the tendering process to local businesses alone as this would be to breach the requirement to be fair in your tendering process.

Other considerations

Please do consider each of the following before beginning any tendering exercise.

The need for the purchase

- Is the cost of purchasing outweighed by the benefits received?
- Have you considered other alternatives to your purchase or whether you might co-purchase with other Council Departments and so achieve further economies of scale?
- Are there products or skills within the Council that can be used without the need to source these externally?

Risks arising

- Consider any risks associated with the purchase and how they are to be managed. Is this something that needs to be addressed on the departmental risk register?
- Have you factored in critical support and maintenance arrangements (i.e. whole life costing) if appropriate to avoid later negotiations? This is particularly important if your purchase involves any land or buildings.
- Have you identified whether there will be any potential conflicts of interest arising in the conduct of the procurement process, which can be seen as unfair and distorting competition?. You need to; (i) identify whether any staff member or other person involved in the procurement process on behalf of the Council has any direct/indirect/financial/personal interest which could be seen as comprising the impartiality and independence of the procurement process;(ii) ensure that the person has no further involvement in the procurement process if there is a potential conflict of interest; and (iii) Complete the conflict of interest form provided by the Procurement Team and ensure it is kept up to date.

Process

- Make sure you have selected the most suitable procurement method for the purchase e.g.
- Through the use of a corporate contract;
- sourcing through a framework; or
- partnering and collaborative arrangements with other local authorities or public bodies;
- Note you cannot use a Pre-Qualification Questionnaire stage in the selection of bidders, refer to Section 2 of the rules for guidance. It is important to note that you can only ask suitability assessment questions and must give full regard to the guidance from the Cabinet in relation to such suitability questions. Contact the Procurement Team for assistance.

Governance

- Do you have the available budget?
- Do you have the appropriate approval for the expenditure in line with the Constitution?
- If the purchase requires a Cabinet Member decision, consider whether it is a key decision and has to be included on the Forward Plan in line with the Council's Constitution;
- Have you notified the Procurement Team if the total value of the contract is above the relevant EU threshold?
- Have you involved Serco procurement team in progressing the procurement process to ensure value for money is being achieved if not using a corporate contract or framework contract?

Key practical points

- Factor into your timetable sufficient time to prepare the tender documents especially the evaluation criteria in advance of beginning the tendering process.
- Consider the essential elements of your contract and ensure that these are included in your conditions of contract.
- Ensure that your contract budgets for the whole life costs of the contract.

Section 2 – Process according to Value

Part A: Contracts below £25,000

This section sets out the requirements that officers must follow when purchasing works, goods or services where the total value of the contract is below £25,000.

Getting a quote

1. For contracts for works, goods, or services with an estimated value below £25,000, you must either:
 - obtain a quote under one of the Council’s corporate contracts, or
 - place an order with a contractor under a framework agreement, or
 - obtain a quote from other relevant suppliers
2. Officers should note that they are required to obtain a quote from a corporate contract where one exists for the supply of those services.

Formalities

3. There must be a written record of the quotation, which may be in the form of a letter or email to or from the contractor.
4. You should consider the following information as essential to include in any quote:
 - the specification of the goods, services or works to be supplied;
 - payment provisions in line with Financial Regulations;
 - the Council’s termination rights;
 - the key time or times when the contract is to be performed;
5. You must have a purchase order in line with Financial Regulations. This may require you to set up the supplier on the Council’s accounting system in accordance with Financial Regulations.
6. The decision to award the contract and any written terms must be agreed in writing by your Director (or the Chief Executive) unless they have delegated that authority to you or another senior officer within your team.

Part B: Contracts between £25,000 and £50,000

This section sets out the requirements that officers must follow when purchasing works, goods or services where the total value of the contract is between £25,000 and £50,000.

Obtaining quotations

1. In the case of contracts for works, goods or services with an estimated value between £25,000 but not exceeding £50,000 you must first consider:
 - Whether you must procure those services through an existing corporate contract,
 - Whether a corporate contract can supply those services, or
 - Whether you have to source those services on the open market.
2. If a corporate contractor does supply those services or can procure those services on our behalf, you must instruct them directly. If you do not wish to make use of a corporate contract you will need to complete an exemption report (see section 4) prior to tendering to obtain the authority of the Executive Director, Resources not to do so.
3. If you are sourcing those services on the open market, you must obtain at least 3 written quotes and select the provider that offers the best value for money. You should consider whether to ask for assistance from the Procurement Team even for such low value contracts as they may be aware of ways in which you can maximise resources to achieve best value.
4. If 3 quotes cannot be obtained due to lack of suitable contractors, the Officer must complete an exemption report prior to awarding any contract. This is to obtain authority to be exempted from this Rule. For further information please see Section 4 of these Rules.

Advertising the Contract

5. Although there is no specific requirement to advertise a contract between these values, officers and our corporate partners are positively encouraged to advertise contracts where
 - the contract value is £25,000 or above;
 - competition in the market is strong, or
 - the number of potential suppliers is high.
6. Advertisements can be placed on the Council's website, in the trade press and on websites specifically set up for contract advertisements .
For contracts estimated to be £25,000 or over and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder;

- Date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
- How and to whom the supplier must respond;
- Any other requirements for participating in the procurement;
- Internet address where the documents can be accessed from.

You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on Contracts Finder.

The Procurement Team can provide assistance with advertising.

Framework agreements

7. Where a suitable framework agreement exists you may use the framework if the Council is mentioned as a potential purchaser under the framework agreement. You must follow the procedure set out in the framework agreement and do not have to obtain 3 quotations. The Procurement Team can assist you in selecting an appropriate framework agreement and advise you on the process for obtaining quotes.

Known suppliers

8. In some cases you may already be aware of suppliers possessing a particular type of goods or service or works expertise that you are seeking. You may seek 3 quotations from any suppliers known to you but you must ensure that:
 - you do not use these suppliers in preference to any corporate contracts;
 - you do not discriminate in your selection of any particular supplier.

Invitations to Quote

9. Although quotations do not require a formal process you must ensure that your request for quotes is made in writing and must set out a simple specification for your purchase. You should also state the basis upon which you will select the successful quote.
10. You must have a purchase order in line with Financial Regulations once you have selected the successful quotation.
11. If you select any supplier who is not the cheapest quote, you must record your reasons for

selection in writing.

Higher value quotations

12. Where the value of the contract is between £45,000 and £50,000 Officers are encouraged to pursue a more formal quotation process. Officers not following a formal quotation process must record their reasons in writing. Officers should consider drafting an Invitation to Quote comprising of the following:
 - Bidders information about the process being used;
 - Specification of the goods, services or works being purchased;
 - Award criteria and procedure;
 - Tendering and canvassing certificate;
 - Contract terms and conditions.

13. The Invitation to Quotation must state that:
 - the Council is not bound to accept a quotation and;
 - late submissions or submissions which do not comply with the Council's award procedure will be rejected.

14. The Invitation to Quotation must include the contract terms and conditions that will apply to the contract setting out:
 - details of the goods, services or works to be supplied;
 - payment provisions;
 - the Council's rights to terminate the contract;
 - the key time or times when the contract is to be performed;

15. The Officer must consult Legal Services before an Invitation to Quotation is issued where the purchase involves one or more of the following:
 - the transfer of non-land assets.
 - the transfer of staff.
 - the transfer or lease of land.
 - potential state aid issues.

16. Your Director can award a contract up to £500,000 in value upon receipt of a contract award report. The contract award report must be completed and submitted to your Director (or delegated officer) for approval. The signed award report must be kept by the department for future reference.

17. You must publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details;

- Name of the supplier;
- Date of contract;
- Total contract value;
- Whether the supplier is a SME (small, medium size enterprise);
- Whether the supplier is a non-governmental organisation that is value driven and surplus Monies are re-invested to further social, environmental or cultural objectives.

Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the legitimate commercial interests of a particular economic operator, might prejudice fair competition between suppliers.

You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.

18. The contract can be signed by the relevant Director.

Part C: E-tendering

1. Electronic Procurement (e-procurement) is the use of an electronic system to advertise and invite tenders for goods, works and services.
2. E-procurement covers the whole purchasing cycle. This is also known as the 'purchase-to-pay' cycle and includes:
 - electronic requisitioning,
 - electronic tendering,
 - electronic ordering,
 - purchasing cards and
 - electronic Payment/Invoicing.
3. The e-tendering system must be used for any purchase of goods, works or services above £50,000, however officers are encouraged to use the system for contracts below £50,000 where possible. Where contracts are advertised in OJEU, all tender documents must be made available electronically. This means that from the date the OJEU notice is published, you must ensure that all specifications, the descriptive document, proposed conditions of contract and any other documentation are ready for interested suppliers.
4. To use the e-procurement system you should contact the Procurement Team to register yourself as a user on the e-sourcing system. Training and user guides will be provided.
5. The following sections of these Rules anticipate that you will use the e-procurement system for any purchasing. If you do not wish to use the e-procurement system you will need to discuss this with the Procurement Team.

Part D: Contracts between £50,000 and EU values

Contracts in this range of values are subject to the Council's tendering procedures as set out in this section. E-procurement is the preferred method of tendering and use of framework agreements is likely to be more common. You are therefore very likely to need assistance from the Procurement Team throughout this process and an early request for assistance is recommended.

Prior considerations

1. In the case of contracts for works, goods or services with an estimated value between £50,000 to the EU threshold you must first consider:
 - Whether you must procure those services through a corporate contract, or
 - Even though procurement through the corporate contract is not necessary, whether a corporate contract can supply those services, or
 - Whether you have to source those services on the open market, or
 - Whether you want to call off those services from a framework agreement.
2. If a corporate contractor can supply or procure those services, you must instruct them directly. Where they are procuring works, goods or services on your behalf they must follow these tendering procedures. If you do not wish to procure through the corporate contract you will be required to complete an exemption report (see section 4) before placing any orders for goods, services or works.
3. If you are sourcing those services on the open market, you must tender for a supplier using the e-procurement system.
4. Where there is a lack of suitable contractors on the market to merit a tendering process, you must complete an exemption report. This is to obtain authority to be exempted from this Rule. For further information please see Section 4 of these Rules.

Using a framework agreement

5. A framework agreement comprises pre-assessed suppliers. Use of a framework therefore simplifies the tendering process and offers considerable cost reduction. Before opting to use a framework agreement you should also consider whether there is benefit in re-packaging the tender to enable local businesses to compete for the contract.
6. A framework agreement will be suitable where you are contracting for services, goods or works
 - commonly available
 - frequently used

7. A framework agreement may not be suitable for your supply where it involves:
 - particularly complex or risky procurements;
 - one-off procurements where the product or service requires a specialism;
 - procurements which are looking for particularly novel solutions;
 - where the contract length would be longer than four years;
8. Before using any framework agreement please ensure that the Council was identified as a potential purchaser in the OJEU notice. Advice on this can be sought from the Procurement Team or Legal Services.

Awarding a call-off

9. Once you decide on a framework agreement you must call off your individual contract under the framework either by:
 - placing a direct order/direct award or
 - holding a mini competition
10. The method of call-off will depend on the terms and conditions of the framework. Some larger frameworks are divided into a number of lots, which may have been set up to enable direct ordering whilst others are designed to provide more bespoke solutions with the terms, conditions and solutions being refined through mini competition.
11. You cannot make any substantive changes to the specification or the terms and conditions of the framework so you must follow its terms in order to procure under the framework.

Tendering process

12. Officers who have assessed that they do not want to award through a framework agreement are required to carry out a formal tendering process. The Council's preferred method is e-procurement. Note you cannot use a Pre-qualification Questionnaire for contracts within the values mentioned in this section. See Section 1, Other Considerations, Process.

Advertising

13. You are required to advertise any contract you wish to tender whose total value is £25,000 or above.
14. You must ensure an appropriate level of advertising having regard to:
 - The subject matter of the contract;
 - The value of the contract;

- The size and structure of the market and common commercial practices in that market;
 - The location where the goods or services will be delivered.
15. The greater the interest of the contract to potential bidders, the wider should be the coverage of the advertisement. Depending on the above criteria, advertisements could be placed on the Council's website, in the trade or local press, on websites specifically set up for contract advertisements or, where the contract borders on the EU threshold, in the Official Journal of the European Union (OJEU).

For contracts estimated to be £25,000 or over and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder;

- Date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
- How and to whom the supplier must respond;
- Any other requirements for participating in the procurement;
- Internet address where the documents can be accessed from.

You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on Contracts Finder.

Preparing the tender documents

16. To complete the tender process you must prepare the following documents:
- An Invitation to Tender including the evaluation criteria;
 - Specification of goods, services or works to be supplied;
 - A tendering and canvassing certificate;
 - Parent company guarantee or performance bond (where appropriate);
 - Standard conditions of contract. You must include provisions stipulating that the Council will pay the supplier no later than 30 days from date of the invoice. You may also include further specific conditions relating to the performance of the contract ie economic, innovation-related, environmental, social or employment related conditions. These conditions must be linked to the subject matter of the contract and set out within the tender documents. Contact Legal Services for advice and preparation of these clauses.

Preparing the evaluation criteria

17. Before starting the tender process, you must define the evaluation criteria. This details how the bids will be evaluated. It is essential that the methodology for the award is set out in the Invitation to Tender.
18. You must apply the relevant British and any equivalent European or international standards to define the required quality of the goods or services being purchased.
19. The evaluation criteria must be relevant to the services, goods or works being purchased and must be designed to secure value for money for the Council.
20. The evaluation criteria for award of the contract must be based on:
 - the most economically advantageous (MEAT) bid (in other words, where quality, performance or improvements are as important as price); or
 - the lowest price (where price is the only factor).

You can also use a cost-effective approach for the evaluation criteria ie considering environmental and social aspects, qualifications and experience of staff, after sales service, delivery conditions, quality impacting on level of contract performance. These must be linked to the subject matter of the contract.

21. If the most economically advantageous criteria are to be used, they can be further defined by relevant sub-criteria, examples of which are set out as follows:
 - price;
 - quality and performance;
 - running costs;
 - technical merit;
 - economic advantage based on past experience;
 - delivery date;
 - environmental considerations;
 - aesthetic and functional characteristics;
 - safety;
 - after-sales services;
 - technical assistance; and
 - other relevant matters.

22. Where sub-criteria are used, they must also be set out in the Invitation to Tender.

23. The evaluation criteria must not include non-commercial considerations. These are criteria which are not directly relevant to the operation of the contract e.g. the terms and conditions of employment of the bidders' workers or the country of origin of the bidder.
24. The award criteria cannot include matters which discriminate against suppliers from the European Union or signatories to the Government Procurement Agreement.
25. As the evaluation stage is the most likely point at which a challenge may be made to the procurement process you are advised to seek assistance from the Procurement Team regarding evaluation modelling.

Defining the evaluation procedure

26. Bids can be evaluated by using the bidders' written submissions only or you may want to arrange face to face interviews with the bidders and/or ask for bidder presentations to supplement the written submissions.
27. You must choose which process you will use to evaluate the bids and set this out in the Invitation to Tender.

Preparing the invitation to tender

28. The Invitation to Tender sets out the basic rules for the tendering process and you must use the standard template Invitation.
29. The invitation to tender must state that
 - the Council is not bound to accept the tender;
 - late submissions and submissions which do not comply with the Council's e-tendering procedure will be rejected;
 - the e-tendering system does not allow acceptance of tenders via email or post;
 - the date and time for submission of tender and that late tenders may not be accepted;
 - the tender submission closing time is governed by the e-tendering system's clock which automatically records receipt of tenders and retains that information;
 - Where bidders are asked to upload files, you must advise them that single file sizes must not exceed 5mb.
30. The invitation to tender should be accompanied by standard conditions of contract. You need to consider whether there are further conditions relevant to the contract e.g. the time the service is performed, the date on which goods are delivered etc. In some cases standard contracts (e.g. JCT contracts) will be available.
31. Officers must consult Legal Services before a tender is issued for any contract which involves one of the following:
 - the transfer of non-land assets;

- the transfer of staff;
- the transfer or lease of land;
- any form of payment assistance to the bidder (state aid).

Clarification procedures

32. All clarification and communication during the tender process should be channelled through the e-tendering systems messaging tool. Never email bidders via your email account during the tender exercise as there is no clear audit trail to support your process. When a message is received from a bidder a notification will be emailed to you to respond to the message. Any queries raised by a bidder and clarifications provided should be forwarded to all bidders with anonymity of the bidder raising the query.
33. If an error is identified in the invitation to tender before the closing date for submissions and is significant enough to warrant amendment, all bidders should be informed of the error and invited to adjust their bids.

Submission, receipt and opening of tenders

34. Tenders will only be available to evaluate following the closing date for submissions.
35. Tender evaluation may be completed within the e-tendering system on line or off line.

Post tender negotiation

36. If an error is identified in the invitation to tender after the closing date for submissions and is significant enough to warrant amendment, all bidders should be given details of the error and given the opportunity to withdraw their offer or to submit a revised bid within a defined period.
37. Where there is a minor error or discrepancy in the successful tender which would affect the tender figure, the bidder should be given details of the error or discrepancy and given the opportunity to confirm, correct or withdraw its bid. If the bidder withdraws its offer, the next most competitive bid should be assessed.
38. Following receipt of the tenders, you may clarify or negotiate with a preferred bidder to obtain an improvement in terms of price, delivery or service. Any such clarification or negotiation must:
 - not discriminate against other bidders, and
 - not alter the original specification except where Legal Services or Procurement have advised that special circumstances exist that can be substantiated, and

- have the prior authorisation of Legal Services or the Procurement Team, and
- be confirmed in writing by the bidder.

Evaluation, selection and de-briefing

39. The e-tendering system may be used as a document exchange system where tenders are uploaded to the system and then evaluated off-line or you may use the systems tender questionnaire which will enable you to evaluate the bids online within the e-tendering system.
40. Bids must be evaluated and the successful bidder selected in line with the advertised award criteria and the award procedure.
41. There is no requirement for a standstill period in non-EU tendering but it is considered good practice to debrief unsuccessful bidders before awarding the contract to identify and avoid any potential challenges from an unsuccessful bidder.
42. You may want to include the following matters in any debrief:
 - identifying the bidder to whom the contract will be awarded,
 - the reasons for the decision,
 - the award criteria,
 - a full breakdown of the bidder's scores against each of the criteria and sub-criteria together with an explanation why the successful bidder achieved a higher score,
 - the score of the successful bidder,
 - the reasons (if any) why the bidder did not meet the technical specifications.
43. Apart from the debriefing permitted by this Rule, the confidentiality of tenders and the identity of bidders must be preserved at all times and information about one bidder's response must not be given to another bidder.

Award report

44. Provided there is no challenge to the decision to award the contract you must prepare a contract award report to authorise the award of the contract which must be sent to Legal Services, Procurement and Finance for approval before your Director signs off the report. The report must be signed by the Director or a senior officer with authority delegated from the Director.
45. Once your contract award notice has been approved, you will need to notify all bidders of the result via the e-tendering system. In addition, you must also publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details;

- Name of the supplier;
- Date of contract;
- Total contract value;
- Whether the supplier is a SME (small, medium size enterprise);
- Whether the supplier is a non-governmental organisation that is value driven and surplus Monies are re-invested to further social, environmental or cultural objectives.

Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the legitimate commercial interests of a particular economic operator, might prejudice fair competition between suppliers.

You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.

Contract formalities

46. There must be a signed written contract in place between the Council and the contractor before the supply, service or work is started. You must send the following documents to Legal Services to prepare and finalise the formal contract documents:
 - Signed Director's Contract Award Report;
 - Invitation to Tender (including the terms and conditions);
 - Successful Contractor/Service Provider/Consultant tender submission;
 - Any other documents you wish to include in the contract
47. Signed, Sealed contracts will be listed in the Council's contract register and placed in the Council's Deeds Room and you will be forwarded a contract number for future reference. Contracts between £50,000 and £100,000 need to be signed by an Authorised Signatory or sealed in the presence of an Authorised Signatory. All contracts over £100,000 must be sealed in the presence of an Authorised Signatory.
48. If you want the contract to begin before the contract is signed or sealed, you should consult Legal Services. In exceptional circumstances, the Head of Legal Services may permit the contract to begin before the contract is signed.

Contract register

49. You must give details of the contract to the Procurement Team to be entered into the Contracts Register.

Part E: Contracts above EU values

If you want to award a contract in this range of values you must consult the Procurement Team and Legal Services. This process is governed by statutory rules and European Directives that are too extensive to set out in these Rules. The following Part is intended as summary guidance only.

It is important to note that the statutory rules supersede these Rules and contain their own exemptions.

No exemption can be granted by officers or members for exemption from the EU process unless the exemption is permitted by the statutory rules.

Identifying potential candidates

1. Contracts which are covered by the Regulations must be the subject of a 'call for competition' by publishing a contract notice in the Official Journal of the European Union ("OJEU").
2. In most cases the time allowed for responses or tenders must be no less than a set period, although some prescribed periods can be reduced where:
 - A prior information notice (PIN) was published sufficiently far in advance of the procurement or when accelerated procedures are used;
 - If the OJEU notice was submitted electronically in accordance with the requirements set out on the SIMAP website (see above);
 - Where authorities offer full and unrestricted access to tender documents (in accordance with specific requirements set out in the EU procurement regulations).

Process

3. **The Public Contracts Regulations 2015 (which can be viewed on the Cabinet Office website) set out schedules which include the types of works, services that are covered by the Regulations. These Regulations will apply in the following circumstances;**

(i) For a contract relating to works with a total value of £5,336,937 and over;

(ii) For a contract relating to the supply of goods with a total value of £213,477 and over;

(iii) For a contract relating to services with a total value of £213,477 and over. However for services falling within Schedule 3 of the Regulations, the Regulations will apply where the total contract value is £663,540 and over.

Important to note that the thresholds stated are subject to changes on an two yearly basis, you must check with Legal Services and the Procurement Team in relation to under which services your proposed contract falls under.

Where the contract value of your contract is below the thresholds, this does not mean that you will be totally exempt from the Regulations, contact the Legal Services and Procurement Team for assistance.

4. **For contracts which are above the thresholds set out in this section, a standardised Pre-Qualification Questionnaire may be used when shortlisting potential bidders and/or assessing their financial and economic standing, technical capacity and ability, previous experience. Contact the Procurement Team or Legal Services for further advice on PQQ's.**

Choice of procurement procedure

5. Four award procedures are provided for under the EU procurement regulations:
- **Open Procedure**
All those interested may respond to the advertisement in the OJEU by tendering for the contract.
 - **Restricted Procedure**
A selection is made by use of a pre-qualification questionnaire (PQQ) of those who respond to the advertisement and only those selected are invited to submit a tender for the contract. This allows purchasers to avoid having to deal with an overwhelmingly large number of tenders.
 - **Competitive Dialogue Procedure**
Following an OJEU notice and a selection process, the Council enters into dialogue meetings with several bidders, to develop one or more suitable solutions for its requirements. During this process bidders are deselected at various stages before final tenders are called for. (A multi-stage and complex process which should not be used where Open or Restricted procedures could have been used).
 - **Negotiated Procedure**
The Council may select one or more persons with whom to negotiate the terms of the contract. An advertisement in the OJEU is usually required but, in certain circumstances, described in the Regulations, the contract does not have to be advertised in the OJEU. An example is when, for technical or artistic reasons or because of the protection of exclusive rights, only a particular person can carry out the contract. This procedure is used only exceptionally.
 - **Innovation Procedure**
This procedure can be used where the Council has identified a need for an innovative product, service or works that cannot be met by purchasing these from the market. A partnership can be set up with one or more partners with the aim of developing an innovative product, services or works. The partnership will need to be terminated as the development progresses. The selection of bidders and process for negotiation will be in accordance with the Public Contracts Regulations.

6. Public authorities have a free choice between the open and restricted procedures. The competitive dialogue procedure is available where the contract cannot be awarded under open or restricted procedure. The negotiated procedure may only be used in the limited circumstances described in the EU procurement regulations.
7. Under restricted procedures, competitive dialogue and competitive negotiated procedures (those where a call for competition is required by advertising in the OJEU) there must be a sufficient number of participants in the process to ensure genuine competition, with a minimum of *five* for restricted procedures and *three* for competitive dialogue and negotiated procedures.

Specification evaluation and award criteria

8. In all other respects the process follows the steps set out in the earlier section on tendering and you are required to complete preparation of your paperwork before the tendering process begins. Whilst some of the paperwork can be standardised it is important that Legal Services and the Procurement Team will work with you to devise award criteria based upon your specification for the services that are being procured.

Where tender bids received appear to be abnormally low, you need to seek an explanation from the bidder or bidders. Once received you need to assess the information and you can only reject the tender where the responses provided do not satisfactorily set out the reasons for the low bid. Contact Legal Services for guidance.

Standstill and post tender formalities

9. Following the evaluation of the contract and before formally awarding the contract to the successful bidder there will be a mandatory standstill period. This period begins once you have notified the unsuccessful bidders of your decision and the reasons for the differing scores. This is known as the 'Alcatel' or "Standstill" period and is bound by strict rules. See points 11 and 13 below as to when the Alcatel letter must be sent out.
10. The standstill period allows for the unsuccessful bidders to seek any feedback on their bids and to challenge the procurement process. You should therefore have prepared in advance any information about the evaluation process, the reasons for the differing scores and why the bidder was unsuccessful before the award of the contract is notified to the bidders.

Governance

11. The contract must be awarded by an authorised signatory on behalf of the Council. Your Director can award a contract up to £500,000 in value upon receipt of a contract award report. You must prepare an award report to authorise the award of the contract which must be sent to Legal Services, Procurement and Finance for approval before your Director signs off the report. The report must be signed by the Director or a senior officer with authority

delegated from the Director. The Alcatel letter can be sent out at any time after your Director signs off the contract award report.

12. For contracts above £500,000 you will need to have a Key cabinet member decision notice (CMDN) approved by the relevant Cabinet member before award of the contract. All contracts of this value should also be on the Forward Plan. Contact the Governance team for further guidance.
13. The Key CMDN must be published in advance of being signed by the Cabinet Member. There is separate guidance on this process available from the Legal Services team. The Alcatel letter can only be sent out after the Cabinet Member has signed the Key CMDN. Once the Key CMDN has been published the bidders are likely to become aware of the successful bidder so you should aim to make them informally aware of the tender outcome and intention to issue the Alcatel standstill letter at the same time as the Key CMDN is sent for publication. Confirmation of the award should follow once the call-in period has expired.
14. All contracts above £100,000 must be sealed in the presence of an Authorised Signatory and, once sealed, will be retained by Legal Services within the Deeds Room.

Contract formalities

15. There must be a sealed written contract in place between the Council and the contractor before the supply, service or work is started. If this requirement may cause difficulties, you should consult Legal Services. In exceptional circumstances, Legal Services may permit the contract to begin before the contract is sealed and measures can be put in place to protect the Council's position in the interim.

You must send the following documents to Legal Services to prepare and finalise the formal contract documents:

- Signed Director's Contract Award Report/Key cabinet member decision notice;
- Invitation to Tender (including the terms and conditions);
- Successful Contractor/Service Provider/Consultant tender submission;
- Any other documents you wish to include in the contract

16. Signed, Sealed contracts will be listed in the Council's contract register and placed in the Council's Deeds Room and you will be forwarded a contract number for future reference.

Section 3 – Getting the Contract in Place

Where contracts are high value or high risk you should consult with your department's senior accountant or senior financial officer as to whether some form of security, such as a bond or parent company guarantee is required from the contractor

Bonds

1. A performance bond is a written guarantee provided to the Council by a contractor's bank or insurer. It requires the contractor to deposit a sum of money with the bank or the insurer and is therefore usually only suitable for high value or high risk contracts. If the contractor does not do what it has promised under the contract, the Council can claim from the bank or insurer the sum of money which is specified in the performance bond.
2. A performance bond is intended to protect the Council against the costs that arise from the contractor's failure to perform the contract. You must assess the need for the bond by considering the risks to the Council, including the:
 - complexity of the contract relating to delivery;
 - capabilities of suppliers, service providers or contractors;
 - financial standing and security of suppliers, service providers or contractors.
3. In limited circumstances it may be necessary to have an on demand bond (effectively a cash bond), however there is a significant cost to these and they should only be sought in limited circumstances and following legal advice.
4. You should consider whether a performance bond or any other form of security is required where;
 - a contract for works, goods or services is estimated to exceed the EU threshold or
 - where it is proposed to make stage or other payments in advance of receiving the whole of the works, services or supplies
5. Should a performance bond or other form of security be required, you must identify this in the tender documentation. Contact the Contracts and Procurement Team or Legal Services for a template version of the performance bond.
6. You should not allow the contractor to commence the contract for the works, services or supplies until the bond has been provided to the Council.

Parent company guarantees

7. A parent company guarantee could be requested from the contractor as an alternative form of security to a performance bond but only where the contractor has a parent company.

8. A parent company is a company which owns a number of companies (known as subsidiaries). You should seek advice from the Procurement Team or Legal Services if you intend to request a parent company guarantee in any tender.

9. There are other lesser used forms of security that can be requested against the contract, such as cash, title deeds, debentures and legal charges. Please contact the Procurement Team or Legal Services for further advice if you need to consider these.

Contract documents

There are many different forms of standard contract. These are most frequently found in the construction industry (i.e. for works contracts) but others are also available.

The Legal Services team have knowledge of most standard forms of contract and also hold a standard set of terms and conditions which can be tailored to meet any forms of works, goods or services contract. These take account of the specific needs placed upon local government contracts e.g. freedom of information requests for contract documents and auditing obligations.

Requests for standard clauses and to discuss specific contractual requirements can be made by contacting Legal Services.

Section 4 – Changes to the Contract

This section sets out what you must do if

- you are unable to comply with any of the requirements of these Rules, or
- there is a change to the contract e.g. additional works have been identified after the contract has begun.

It is very important that you follow correct governance processes to authorise any changes to the contract or these Rules. In almost all cases you will require approval from your Director and other senior officers within the Council.

The Head of Legal Services is responsible for monitoring adherence to these Rules. Failure to obtain the correct authorisation at the appropriate time to deviate from these Rules may mean that you are in breach of your employment contract and oblige the Head of Legal Services to report repeated breach of the Rules to the Council.

Exemptions

1. It is the Council's policy that these Contract Rules should be complied with at all times. However, the Council recognises that circumstances may exist when it is not possible or desirable to comply with these Rules. On those occasions you may apply for an exemption from any or all of these Rules.
2. The fundamental principles of exemptions are that:
 - they should be used only in exceptional circumstances;
 - they are granted entirely at the discretion of the Corporate Director Resources, in consultation with the Head of Legal Services,
 - they should always be sought in advance of any purchasing as there is a general presumption that retrospective applications will not be approved, and
 - there is no automatic right to an exemption.
3. The Corporate Director Resources is accountable for giving appropriate approval to all exemptions and a record is kept of all those granted which is open to public inspection.
4. All exemption requests must be made in writing supported by justification for your application.

5. An exemption under this section **can never** be used where the total value of the contract exceeds the EU threshold. There are specific statutory exemptions which apply to contracts tendered under the EU process and you should always seek legal advice on these.

When may an exemption be allowed?

6. An Exemption may be allowed when:
 - You want to obtain quotations or tenders from fewer bidders than these Rules require (including a single bidder) because they are the only suppliers which can provide the services or goods or works you want to purchase;
 - You are working in partnership with another public sector body and you are satisfied that their procurement rules have been complied with in the letting of the contract;
 - You want to extend or renew an existing contract which does not have provision for an extension and where a change of supplier would cause:
 - disproportionate technical difficulties;
 - excessive cost; and/or
 - significant disruption to services.
7. In all cases an exemption cannot be approved where the cost of the extension or contract exceeds the EU threshold.

Exemption procedure

8. To apply for an Exemption, you should complete an Exemption Report.
9. The Exemption Report should set out clearly the grounds on which you are applying for the Exemption and must specify which of the reasons listed above apply.
10. If there is information which you wish to keep confidential and not disclose to the public you should also complete an exempt annex. However, all local authorities are increasingly expected to disclose information to the public on the grounds of transparency and accountability. The Council will be allowed to withhold information only in exceptional circumstances where the interests of the Council or others may be severely damaged or compromised by disclosure.
11. The completed exemption report should be sent to Legal Services, Procurement and Finance for approval.
12. Once the required approvals have been obtained you must send the report to the Head of Legal Services and the Corporate Director Resources for formal approval of the exemption. Electronic approval will be sufficient.

13. The Corporate Director Resources is required to keep a register of approved exemptions.
14. In urgent circumstances, contact must be made with the Head of Legal Services and the Corporate Director Resources **before** taking entering any contract, to obtain an “in principle” decision. This means that, unlike usual procedures, the decision to award will follow after the contract has been awarded. Verbal authority given by the Executive Director, Resources will mean that the correct authority has been given for the contract, even though the paperwork will be retrospective.

Retrospective exemptions

15. An exemption to any of the Rules should never be sought retrospectively but exceptions to this principle will be allowed where:
 - It has been necessary to act urgently because of an unforeseen emergency which involves immediate risk of injury or damage or to prevent serious disruption to services.
 - it is necessary for an officer in Children’s Services or Adult Social Care to act immediately to secure care for any vulnerable person.
 - it is necessary to act urgently to secure a supply of goods eg Westcombe Engineering, where commercial offers are time limited and represent best value for the Council.
16. In both cases you should seek an ‘in principle’ decision from the Executive Director, Resources and the Head of Legal Services where possible, and the cost of the immediate action should not exceed the EU threshold. An exemption report should be completed as soon as reasonably possible after the contract has begun.

Assigning/Novating contracts

17. Assignment is the transfer of the benefit of contract to another party. The contract should detail the circumstances in which a contract can be assigned but if it does not you will need to consult Legal services on the process. Novation is the transfer of the rights, obligations and liabilities of an original party to an existing contract to a new party. You should contact Legal services on the form of the contract that should be used for the novation, which is usually in the form of a deed.
18. Where a contract is required to be assigned or novated you must first calculate the total value of the contract to determine the correct process. A contract may be assigned/novated, without the need to carry out a new procurement, where;

(i) There is reference to such a change within the tender documents; or

(ii) The new contractor is replacing the existing contractor following a corporate restructure, takeover, merger, acquisition or insolvency, and as long as the new contractor fulfils the criteria upon which the existing contractor was selected (ie technical, financial capability).

19. Where a contract has a total value between £50,000 and £500,000 the assignment/novation will need to be approved by the following officers:
- Head of Legal Services; and
 - Your Director (or if authorised, the Head of Service / Assistant Director)
20. Where a contract has a total value of more than £500,000 the assignment/novation will need to be approved by the officers listed above and:
- a credit check on the proposed contractor that the contract is to be assigned to have been carried out by Financial Services; and
 - a Cabinet Member Decision Notice authorising the assignment/novation has been obtained; and
 - a formal deed/notice of assignment, to be prepared by Legal Services, has to be entered into by the parties

Varying contracts

21. Variations of contract typically comprise:
- change in price, or
 - change in service delivery or goods or works leading to a change in price
22. If the variation looks as if the original value of the contract is likely to be exceeded, the procedure for obtaining approval to the variation is as follows:
- 22.1 Non-EU procured contracts
- Increase is less than £50,000
- The project/contract manager or officer must obtain approval to the increase in line with the authority listed in the quick reference guide.
- Increase is more than £50,000
- In addition to obtaining the authority listed in the quick reference guide, the project/contract manager or officer must inform the Head of Internal Audit immediately. This means that as long as the contract as varied is still under £500,000, it can be authorised by the relevant officer(s) referred to in the quick

reference guide (subject to having informed Internal Audit). If the variation takes the contract value over £500,000 or if the original contract was over £500,000 and a key cabinet member decision notice was obtained for the contract, a further key cabinet member decision notice need not be obtained for the variation, unless Legal Services consider such a decision should be obtained.

The above is subject to;

(i) The variation not exceeding the EU threshold value for the works, services, supplies (ie accumulated value including the value of the variation) and;

(ii) The variation is lower than 10% of the initial contract value for services, supplies or 15% of the initial contract value for works.

22.1 EU procured contracts

Contact Legal Services for advice on whether the variation is likely to be treated as a new contract, requiring it to be re-tendered. If the advice from Legal Services is that the variation is unlikely to be treated as a new contract, the project project/contract manager or officer must follow the procedure outlined in the second bullet point of paragraph 22 above.

Section 5 – Ending the Contract

Terminating contracts

1. Where a contract is required to be terminated, other than by it expiring, seek advice from Legal Services.
2. Where a contract has a total value of between £50,000 and £500,000 the termination will need to be approved by the following officers:
 - Head of Legal Services; and
 - Your Director (or if authorised, the Head of Service / Assistant Director)
3. Where a contract has a total value of more than £500,000 the termination will need to be approved by the officers listed above and additionally
 - a Cabinet Member Decision Notice must authorise the termination and;
 - a termination notice must be issued to the contractor by Legal Services

Section 6 – Explanations

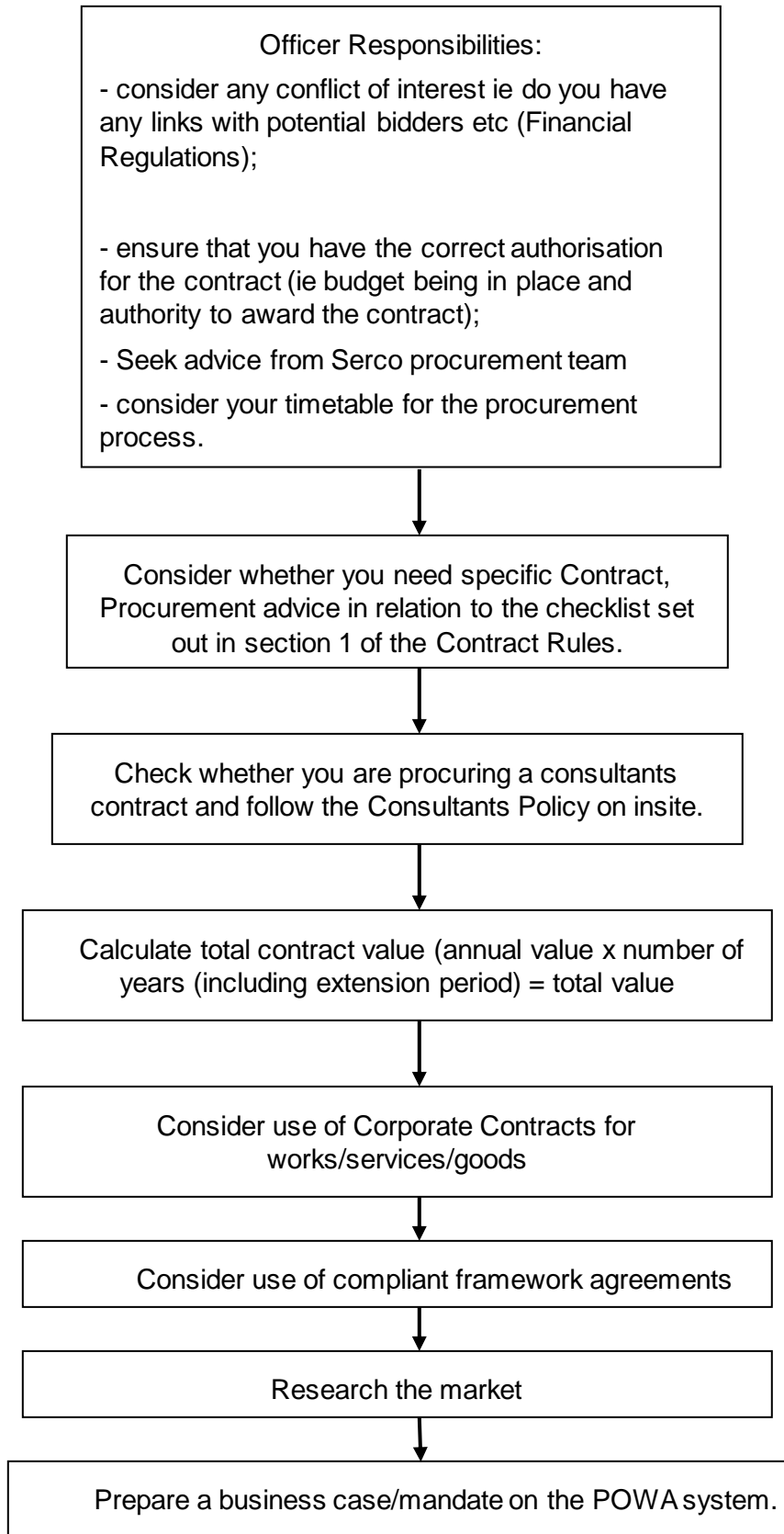
Glossary

Key terms in this section	Meaning
Authorised Signatory	Means the Chief Executive, Corporate Director Resources, Head of Legal Services (or delegated officers in Legal Services).
Business Case	A document that sets out the rational for undertaking a project and its costs, risks and benefits populated on POWA, the council's project management system.
Constitution	<p>The Council's constitutional document which;</p> <ul style="list-style-type: none"> - allocates powers and responsibility within the Council; - sets out delegations for its Executive including the cabinet members and delegation to officers; -sets out the rules of procedures, codes and protocols.
Delegated Authority	The process under the Constitution which sets out what senior officers of the Council are entitled to do in the Council's name e.g. to enter contracts. Most Director's will have delegated some of these powers to Heads of Service.
E-Sourcing	The researching and gathering of product or service information by electronic means, mainly by internet or email use.
EU threshold	The financial limit above which all tendering must follow a statutory procedure governed by EU directives. It applies to all public works contracts, public supply contracts and public service contracts which have a value including VAT estimated to be no less than the pre-established thresholds. The thresholds are recalculated every two years. See the Quick Reference Guide for the threshold amounts for the works, goods and services.
Financial Regulations	The regulations outlining the officer's responsibilities relating to financial matters.

<p>Forward Plan</p>	<p>A forward plan is a list of published forthcoming key decisions to be taken during the following three months.</p>
<p>Framework Agreement</p>	<p>A framework is an agreement with suppliers to establish terms governing contracts that may be awarded during the life of the agreement. In other words, it is a general term for agreements that set out terms and conditions for making specific purchases (call-offs).</p>
<p>Key Decision</p>	<p>Any spend over £500k will be a key decision and the procedures for a key decision must be followed.</p>
<p>OJEU</p>	<p>Official Journal of the European Union. Contracts that are above the EU threshold are required to be advertised by placing a notice in the journal.</p>
<p>Procurement Strategy</p>	<p>A strategy document setting out the Council’s approach to procurement and priorities for the next few years.</p>
<p>Purchase order</p>	<p>The order placed on the Council’s financial management software system which commits funds to the contract.</p>
<p>State aid</p>	<p>State aid is a European Commission term which refers to forms of assistance from a public body or publicly-funded body, given to undertakings engaged in economic commercial activity on a selective basis, with the potential to distort competition and affect trade between member states of the European Union.</p>

Flowchart

Beginning the process – Flowchart



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Peterborough City Council

Financial Regulations

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GLOSSARY

INTRODUCTION

1.1 FINANCIAL REGULATIONS

Why are these important?

- 1.1.1 All employees and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is achieved by setting clear standards and putting appropriate controls in place to ensure that the standards are met. All staff and Members of the Council should be clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.
- 1.1.2. Financial Regulations form a major part of how the Council manages its business and clarify responsibilities and provide a framework for decision making.

Responsibilities of the Corporate Director Resources

- 1.1.3 To discharge the statutory duties for the administration of the Council's financial affairs under section 151 of the Local Government Act 1972.
- 1.1.4 To discharge the statutory duties under section 114 of the Local Government Act 1988.
- 1.1.5 To ensure the proper administration of the financial affairs of the Council as required by the Accounts and Audit Regulations 2003 (amended 2006).
- 1.1.6 To set the financial management standards, and to act as head of profession in relation to the standards, promote them throughout the Council, and to ensure compliance with them.
- 1.1.7 To ensure proper professional practices are adhered to in relation to the standards, performance and development of finance employees throughout the Council.
- 1.1.8 To advise on the key strategic controls necessary to secure sound financial management.
- 1.1.9 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Directors

- 1.1.10 To promote the financial management standards set by the Corporate Director Resources in their respective departments and to ensure adherence to the standards and practices, liaising as necessary with the Corporate Director Resources.
- 1.1.11 To promote sound financial practices in relation to the standards, performance and development of employees in their respective departments.
- 1.1.12 No Director shall:

- (a) cause or allow its expenditure, whether of a revenue or capital nature, to exceed its financial allocation, including any subsequent variations made available to it;
- (b) divert financial provision from one heading to another heading in the revenue estimates, or from one project to another in the capital estimates, except in accordance with the rules for virement specified in 3.2.

Responsibilities of Members

- 1.1.13 To approve the Financial Regulations.
- 1.1.14 To set the budget framework and monitor performance.
- 1.1.15 Scrutinise financial probity through the Audit Committee.

Key controls

- 1.1.16 The key controls for Financial Regulations are:-
 - (a) their promotion and observance throughout the Council; and
 - (b) a robust monitoring system to review compliance with financial regulations.

FINANCIAL PLANNING

2.1 PERFORMANCE PLANS

Why are these important?

- 2.1.1 The Council has a statutory responsibility to publish various performance plans, including best value performance plans, education plans, community strategies, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The Council is required to publish annually the Best Value Performance Plan (BVPP), which summarises its performance and position in relation to best value. The BVPP is a key element in the Council's programme of engaging with the public. External audit is required to report on whether the Council has complied with statutory requirements in respect of the preparation and publication of the BVPP.

Responsibilities of the Corporate Director Resources

- 2.1.2 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 2.1.3 To contribute to the development of corporate and service targets and objectives and performance information.
- 2.1.4 To ensure that systems are in place to measure activity and collect accurate information for performance indicator purposes.
- 2.1.5 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of Directors

- 2.1.6 To contribute to the development of performance plans in line with statutory requirements.
- 2.1.7 To contribute to the development of corporate and service targets and objectives and performance information.

Key controls

- 2.1.8 The key controls for performance plans are: -
- (a) to ensure that all relevant plans are produced and that they are consistent;
 - (b) to produce plans in accordance with statutory requirements;
 - (c) to meet the timetables set;

- (d) to ensure that all performance information is accurate, complete and up to date;
- (e) to provide improvement targets which are meaningful, realistic and challenging; and
- (f) to ensure that financial plans and performance plans are fully integrated, and that both underpin the Corporate Plan.

2.2 BUDGETING

Format of the budget

Why is this important?

- 2.2.1 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around how virement operates, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Responsibilities of the Corporate Director Resources

- 2.2.2 To advise the Cabinet on the format of the budget that is approved by the Council.

Responsibilities of Directors

- 2.2.3 To comply with accounting guidance provided by the Corporate Director Resources.

Key controls

- 2.2.4 The key controls for the budget format are: -
- (a) that the format complies with all legal requirements;
 - (b) that the format reflects the accountabilities of service delivery; and
 - (c) that, in published statements where it is required, the format complies with CIPFA's *Best Value Accounting – Code of Practice*.

Budgets and medium-term planning

Why is this important?

- 2.2.5 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and develop systems to enable limited resources to be allocated in accordance with carefully assessed priorities. The budget is the financial expression of the Council's plans and policies.
- 2.2.6 The revenue and capital budgets must be constructed to ensure that resource allocation properly reflects the service plans and corporate priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Council to budget for a deficit.
- 2.2.7 CMT shall prepare annually (normally for submission to Cabinet each January), draft estimates of income and expenditure for three years (the ensuing year and the following two years), in a form agreed with the Corporate Director Resources together with any necessary explanations.

Responsibilities of the Corporate Director Resources

- 2.2.8 To prepare and submit reports on budget prospects for Cabinet in accordance with the Constitution, including resource constraints set by the Government. Reports should take account of medium-term prospects and review where appropriate.
- 2.2.9 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and following consultation with the Cabinet Member responsible for finance and Directors.
- 2.2.10 To prepare and submit reports to the Cabinet Member responsible for finance on the overall position, and to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.2.11 To advise on the medium-term implications of spending decisions.
- 2.2.12 To encourage the best use of resources and value for money by working with Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.2.13 To advise the Council on the Cabinet's proposals on robustness of budget set and the adequacy of reserves in accordance Accounts and Audit Regulations 2003 (amended 2006).

Responsibilities of Directors

- 2.2.14 To prepare estimates of income and expenditure, in consultation with the Corporate Director Resources, to be submitted to the Cabinet.
- 2.2.15 Changes in estimates between financial years shall be analysed between inflation and other reasons in line with the budget preparation guidelines issued each year by the Corporate Director Resources.
- 2.2.16 To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Corporate Director Resources in accordance with the Cabinet's general directions.
- 2.2.17 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.2.18 In consultation with the Corporate Director Resources and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate executive function.
- 2.2.19 To ensure that budget proposals underpin the Council's strategic priorities and objectives.
- 2.2.20 When drawing up draft budget requirements, to have regard to: -

- (a) spending patterns and pressures revealed through the budget monitoring process;
- (b) demographic, legal and external funding requirements;
- (c) policy requirements as defined by the Cabinet in the approved policy framework;
and
- (d) initiatives already under way
- (e) identifying all risks of achieving the budget

Key controls

2.2.21 The key controls for budgets and medium-term planning are: -

- (a) specific budget approval is given for all expenditure;
- (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered; and
- (c) a monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Resource allocation

Why is this important?

2.2.22 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to meet all identified needs. It is, therefore, imperative that such needs are carefully prioritised and that resources are fairly allocated, in order to meet all legal responsibilities. Resources may include employees, money, property, information, equipment, goods and materials.

Responsibilities of the Corporate Director Resources

2.2.23 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

2.2.24 To assist in the allocation of resources to budget managers.

Responsibilities of Directors

2.2.25 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.2.26 To seek to identify more efficient means of working that do not have a detrimental effect on service delivery.

Key controls

2.2.27 The key controls for resource allocation are: -

- (a) resources are acquired in accordance with the law and using an approved authorisation process;
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- (c) resources are securely held for use when required; and
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Capital programme

Why is this important?

2.2.28 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets can shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure can also result in the creation of an intangible asset, for items such as software licenses which have no physical substance. Capital expenditure on assets which are not owned by the Council create what is known as a deferred charge which does not appear on the Council's Balance Sheet at the end of the year.

2.2.29 The Council is required to set its Capital Programme having regard to the Prudential Code, ensuring that it is affordable, prudent and sustainable. This means that capital expenditure forms part of an investment strategy that is carefully prioritised in order to maximise the benefit of limited resources. The Council must also approve its Prudential Indicators which are used to monitor performance throughout the year.

Responsibilities of the Corporate Director Resources

2.2.30 To prepare a capital programme covering at least two future financial years. If an urgent and unforeseen need arises to undertake a project in excess of the current approved capital programme or to accelerate the preparation, commencement or completion of a scheme, the proposal will be considered by the Capital Programme Group and if agreed will then be reported via CMT to Cabinet for final approval as part of the monthly Budgetary Control Reporting.

2.2.31 To prepare and submit regular reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates. Also, to inform Cabinet where estimated expenditure on any scheme exceeds the capital programme provision by more than 10% or £50,000 whichever is lower. (This does not include City Services Schedule of Rates contracts).

- 2.2.32 To issue guidance concerning capital contracts and controls, for example, on project appraisal. The definition of 'capital' will be determined by the Corporate Director Resources, having regard to government regulations and accounting requirements.

Responsibilities of Directors

- 2.2.33 To comply with guidance concerning capital schemes and controls issued by the Corporate Director Resources.
- 2.2.34 To ensure that all estimates and programmes prepared in connection with capital expenditure shall include reference to the estimated revenue implications of such expenditure in each of the development years and in a full cost year as agreed with the Corporate Director Resources.
- 2.2.35 To review the capital programme provisions for their services and the estimated final costs of schemes in the approved capital programme for submission to the Capital Programme Group.
- 2.2.36 To ensure that adequate records are maintained for all capital contracts (see also Contract Regulations).
- 2.2.37 To proceed with projects / contracts only when there is adequate provision in the capital programme and guarantees of any external funding are in place, and with the agreement of the Corporate Director Resources, where required, following the appropriate project appraisal where this is necessary.
- 2.2.38 To notify the Corporate Director Resources (Internal Audit and Capital Accounting Team) immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits referred to in paragraph 2.2.31 and Cabinet Member decision.
- 2.2.39 To ensure that credit arrangements, such as leasing agreements and contract hire agreements, are not entered into without first seeking advice from the Corporate Director Resources (Treasury and Insurance) and, if applicable, approval of the scheme through the capital programme.
- 2.2.40 To consult the Corporate Director Resources and to seek Cabinet or Cabinet Member approval where the director proposes to bid for specific funding approvals from government departments or contributions from other third parties to support expenditure that has either not been included in the current year's capital programme or is already in the programme with funding from elsewhere.

Key controls

- 2.2.41 The key controls for capital programmes are: -
- (a) specific approval by the Cabinet for the planned programme of capital expenditure;

- (b) Each capital project must be subject to a project appraisal in line with Programme and Project Management procedures and assessed against the Council's strategic objectives, prior to discussion at Capital Project Group and subsequent approval by the relevant Cabinet Member;
- (c) proposals for improvements and alterations to buildings and land must be approved by the appropriate director and Corporate Director Growth & Regeneration;
- (d) schedules for individual schemes within the overall budget approved by the Council must be submitted to the relevant Cabinet Member for a decision on contracts over £500k;
- (e) the development and implementation of asset management plans;
- (f) accountability for each proposal is accepted by a named manager;
- (g) monitoring of progress in conjunction with expenditure and comparison with approved budget; and
- (h) the capital schemes have been determined in accordance with the approved prioritisation scheme that applies to such schemes.
- (i) monitoring of Prudential Indicators throughout the year.

2.3 Maintenance of reserves

Why are these important?

2.3.1 The Council holds reserves for one of three purposes:

- working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (general reserve);
- a contingency to cushion the impact of unexpected events or emergencies (general reserve); and
- a means of building up funds (earmarked reserve) to meet known or predicted liabilities

2.3.2 It is the responsibility of the Section 151 Officer to advise the Council as to the level of general reserves, which is agreed as part of the Medium Term Financial Plan. Earmarked reserves can be requested by Directorates up to a maximum contribution of 50% of the Departmental underspend. Requests will be subject to initial scrutiny by the Service Director Financial Services, prior to approval by CMT and members. When reviewing requests, the following will be taken into consideration:

- The overall underspend across the Council and within the specific Directorate, i.e. if the Council or Directorate is overspent, a contribution to reserves cannot be met.
- The reason for the underspend, i.e. an analytical review of the outturn
- Any legal or statutory duties
- Any specific project funding that may have slipped
- The proposed use of the reserves, i.e. invest to save, improve business efficiency

Responsibilities of the Corporate Director Resources

2.3.3 To advise the Cabinet and / or the Council on prudent levels of reserves for the Council, having regard to advice from the external auditor.

Responsibilities of Directors

2.3.4 To ensure that reserves are used only for the purposes for which they were intended.

Key controls

2.3.5 To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (CIPFA / LASAAC) and agreed accounting policies.

2.3.6 For each reserve established the following must be provided:

- The reason for / purpose of the reserve
- How and when the reserve can be used
- Procedures for the reserves management and control
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy

2.3.7 Authorisation and expenditure from reserves by the relevant Director in consultation with the Corporate Director Resources.

FINANCIAL MANAGEMENT

3.1 BUDGETARY CONTROL

Why is this important?

- 3.1.1 Budgetary control is the means by which the Council manages its finances and ensures their effective use in accordance with the budget agreed at the start of the year ready for the new financial year. The budget is the financial expression of the Council's planned activity for the financial year of April to March. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 3.1.2 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it. This section should also be read in conjunction with Section 1, Financial Management, which includes the Council's scheme of virement. Detailed procedures can be found in the Council's Budgetary Control Manual.
- 3.1.3 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by a Director's scheme of delegation.

Responsibilities of the Corporate Director Resources

- 3.1.4 To administer an appropriate framework of budgetary management and control that ensures: -
- (a) budget management is exercised within annual cash limits unless the Cabinet agrees otherwise;
 - (b) each Director has available timely information on receipts and payments on each budget;
 - (c) expenditure is only committed against an approved budget head;
 - (d) all officers responsible for committing expenditure comply with relevant guidance, and these Financial Regulations;

- (e) each budget heading has a single named manager, determined by the relevant director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure;
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

- 3.1.5 To administer the Council's Scheme of Virement (see 3.2).
- 3.1.6 To submit reports to the Cabinet and to the Council, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his/her control.
- 3.1.7 To prepare and submit reports to each Cabinet meeting on the Council's projected income and expenditure compared with the budget.
- 3.1.8 To only carry forward savings from the previous financial year after prior approval from the Cabinet Member responsible for finance.

Responsibilities of Directors

- 3.1.9 To maintain budgetary control within their departments, in line with the principles in paragraph 3.1.4 above, and to ensure that all income and expenditure are recorded and accounted for properly.
- 3.1.10 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 3.1.11 To ensure that spending remains within the service's overall cash limit, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 3.1.12 To ensure that a monitoring process is in place to review performance levels and levels of service in conjunction with the budget and that it is operating effectively.
- 3.1.13 To prepare and submit to the Cabinet, reports on the service's projected expenditure compared with its budget, in consultation with the Corporate Director Resources and CMT.
- 3.1.14 To ensure prior approval by the Council or Cabinet (as appropriate) for new proposals, of whatever amount, that: -
 - (a) create financial commitments in future years;
 - (b) change existing policies, initiate new policies or cease existing policies; or
 - (c) materially extend or reduce the Council's services.

A report on new proposals should explain the full financial implications, following consultation with the Corporate Director Resources. Unless the Council or Cabinet has agreed otherwise, Directors in consultation with CMT must plan to contain the financial implications of such proposals within their cash limit.

3.1.15 To ensure compliance with the Scheme of Virement (see 3.2).

3.1.16 To agree with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or director's level of service activity.

3.1.17 To ensure that savings are only carried forward from the previous financial year, subject to following the agreed process with the Corporate Director Resources and approval by the relevant Cabinet Member responsible for finance.

Key controls

3.1.18 The key controls for managing and controlling the revenue budget are: -

- (a) budget managers should be responsible only for income and expenditure that they can influence;
- (b) there is a nominated budget manager for each budget heading;
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- (d) all budgets are appropriately profiled through the financial year;
- (e) budget managers follow an approved certification process for all expenditure;
- (f) income and expenditure are recorded and accounted for properly; and
- (g) performance levels / levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

3.2 SCHEME OF VIREMENT

Why is this important?

- 3.2.1 The Scheme of Virement is intended to enable Cabinet Members together with Directors and their employees to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and, therefore, to optimise the use of resources.

Responsibilities of the Corporate Director Resources

- 3.2.2 To work with the Service Director Financial Services: -
- (a) to submit a report to the CMT and Cabinet where virements are proposed between directorate areas;
 - (b) to ensure that budgetary control reports set out directorates use of reserves and temporary control total increases;
 - (c) to prepare a report for the Cabinet Member responsible for finance when any virements are proposed between salary and non-salary budgets.

Responsibilities of Directors

- 3.2.3 A director may exercise virement on budgets under his / her control during the year, provided the Corporate Director Resources or his representative has been notified, and the relevant Cabinet Member has been consulted under arrangements agreed by the Council. This is subject to the conditions in paragraphs 3.2.5 to 3.2.8 below.
- 3.2.4 Any virements between salary and non-salary budgets irrespective of the amount require the approval of the Cabinet Member responsible for finance.
- 3.2.5 The prior approval of the Cabinet is required for any virement (irrespective of amount) where it is proposed to: -
- (a) vire between budgets of different Cabinet Members; or
 - (b) vire between budgets managed by different Directors.
- 3.2.6 Virement that is likely to impact on the level of service activity of another department should be implemented only after agreement with the relevant Director.
- 3.2.7 Schools are free to vire between account heads in the expenditure of their budget shares, but governors are advised to establish criteria for virements and financial limits above which the approval of governors is required. This Regulation may not apply to some earmarked funds that have been devolved to schools for a specific purpose.
- 3.2.8 Where an approved budget is a lump-sum budget, contingency or efficiency saving intended for allocation during the financial year, a specific reserve brought forward, specific grant or third party contribution, its allocation will not be treated as a virement, provided that: -

- (a) the amount is used in accordance with the purposes for which it has been established; and
- (b) the use of the provision is in accordance with any terms, including financial limits, which have been placed by the Cabinet on how it will be used. Individual allocations in excess of the financial limits are subject to approval by the Cabinet Member responsible for finance.

Key controls

3.2.9 Key controls for the Scheme of Virement are: -

- (a) it is administered by the Corporate Director Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Cabinet;
- (b) the overall budget is recommended by the Cabinet and approved by the Council. Directors and budget managers are authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement, that is, switching resources between cost centres or account headings. For the purposes of this scheme: -
 - an account heading is considered to be a line in the budgetary control report (for example, stationery costs may be an account heading within a cost centre for a department);
 - a “service area” is a group of cost centres that are the responsibility of a Cabinet Member or a Director;
- (c) virement does not create a net increase in budget. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. They should avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a financial year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets (cash limits).

3.3. TREATMENT OF YEAR-END BALANCES

Why are these important?

- 3.3.1 The Council's treatment of year-end balances (that is, the arrangements for carry forward of over and under spends to the following financial year) is very important in order to ensure the effective use of resources and promote accountability for budget managers. It is important that over-spends are fully recovered and under-spends allocated appropriately to ensure that cash limits are not breached.
- 3.3.2. These rules are regarded as the normal way of the Council dealing with year-end balances. However, they may be suspended or varied by the Cabinet when it reviews the financial out-turn for each year in response to the overall budget position of the Council.

Responsibilities of the Corporate Director Resources

- 3.3.3. To administer the scheme of carry-forward and specific reserves within the guidelines approved by the Cabinet.
- 3.3.4. To report to the Cabinet all significant over-spends and under-spends on service estimates together with the actual cash limit total for each department.

Responsibilities of Directors

- 3.3.5. A review will be carried out as part of the closure of the accounts to establish whether overspending on service budgets (in total) under the control of the director will be carried forward to the following financial year. The Corporate Director Resources will report the extent of over-spends carried forward to the Cabinet.
- 3.3.6. The Corporate Director Resources will present proposals to CMT and Cabinet on under-spends and savings on a services cash limit that could be carried forward as specific reserves which are earmarked for a particular purpose or for the service. Use of these reserves for the purpose for which they were set up will not be treated as virement. Use for a different purpose will require approval by the Cabinet.
- 3.3.7. Schools' balances shall be available for carry-forward to support the expenditure of the school concerned. The value that can be carried forward must be calculated in line with the Scheme for the Financial Management of Schools. Where an unplanned deficit occurs, the governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet Member for Education, Skills and University, following evaluation by the Executive Director People & Communities Cambridgeshire and Peterborough and the Corporate Director Resources. Schools will normally be expected to agree a plan to recover the deficit within a defined period, in accordance with the Local Management for Schools guidelines.

- 3.3.8. In exceptional circumstances, schools may seek to incur expenditure to be financed by the anticipated budget share for the following financial year. Proposals shall be accompanied by a detailed plan setting out how the arrangement is to be accommodated as the first call on the reduced budget share. Such arrangements require the prior approval of the Cabinet Member for Education, Skills and University, following evaluation by the Executive Director People & Communities Cambridgeshire and Peterborough and the Corporate Director Resources.

Key controls

- 3.3.9. This scheme is administered by the Corporate Director Resources within guidelines set by the Cabinet. Any variation from this scheme requires the approval of the Cabinet.
- 3.3.10. Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

3.4. ACCOUNTING POLICIES

Why are these important?

- 3.4.1 The Council is required to follow proper practices in preparing its Statement of Accounts. The Council's Accounting Policies are a key part in ensuring that this is done and these are detailed in the Statement of Accounts.

Responsibilities of the Corporate Director Resources

- 3.4.2 To establish suitable accounting policies and to ensure that they are applied consistently.
- 3.4.3 To ensure that the accounting policies are consistent with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA / LASAAC), for each financial year. The accounting policies are set out in the annual Statement of Accounts, and cover such items as: -
- (a) any significant estimates included in debtors and creditors at year-end;
 - (b) details on material provisions and reserves;
 - (c) fixed assets;
 - (d) receipts from sale of fixed assets;
 - (e) depreciation;
 - (f) capital charges;
 - (g) repayment of borrowing;
 - (h) stocks and work in progress;
 - (j) financial relationships with companies and other bodies;
 - (k) government grants;
 - (l) leasing; and
 - (m) pensions.

Responsibilities of Directors

- 3.4.4. To adhere to the accounting policies and guidelines approved by the Corporate Director Resources.

Key controls

- 3.4.5. The key controls for accounting policies are:

- (a) systems of internal control are in place to ensure that financial transactions are lawful;
- (b) suitable accounting policies are established and applied consistently;
- (c) proper accounting records are maintained;
- (d) financial statements are prepared which present fairly the financial position of the Council and its expenditure and income; and
- (e) accounting policies are set out in the Statement of Accounts and are subject to external audit.

3.5. ACCOUNTING RECORDS AND RETURNS

Why are these important?

- 3.5.1 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts that present its operations during the financial year fairly. These annual accounts are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Responsibilities of the Corporate Director Resources

- 3.5.2 To determine the accounting policies, procedures and the method for recording transactions for the Council. Where these are maintained outside the Strategic Resources Department, the relevant Director should consult with the Corporate Director Resources.
- 3.5.3 To arrange for the compilation of all accounts and accounting records under his direction.
- 3.5.4 To comply with the following principles when allocating accounting duties: -
- (a) of providing information about sums due to or from the Council and calculating, checking and recording these sums should be separated from the duty of collecting or disbursing them; and
 - (b) that employees with the duty of examining or checking the accounts of cash transactions must not be engaged in those transactions.
- 3.5.5 To make proper arrangements for the audit of the Council's annual accounts in accordance with the Accounts and Audit Regulations 2003 (amended 2006) as maybe amended from time to time.
- 3.5.6 To ensure that all claims for funds (including grants) are made accurately and by the due date.
- 3.5.7. To prepare and publish the audited annual accounts of the Council for each financial year, in accordance with the statutory timetable.
- 3.5.8 To administer the Council's arrangements for carry forward of underspends and overspends to the following financial year.
- 3.5.9 To ensure the proper security and retention of financial documents in accordance with the requirements set out in the Council's Document Retention Policy.
- 3.5.10 To ensure that an asset register is maintained and assets are appropriately revalued and categorised in accordance with *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA / LASAAC).

Responsibilities of Directors

- 3.5.11 To ensure that a copy of any approved funding from a third party, including government grant, is immediately passed to the Corporate Director Resources, their authorised officer or the Budget and Grants Controller.
- 3.5.12 To ensure that all necessary service related information is available to support all claims for funds, including government grants.
- 3.5.13 To consult and obtain the approval of the Corporate Director Resources before making any changes to accounting records and procedures for any central or local financial systems.
- 3.5.14 To ensure that departments or establishments reconcile their local accounting records to the Council's central financial information system on a regular basis during the course of the financial year.
- 3.5.15 To ensure that managers monitor their cost centre's performance throughout the year and notify their director or head of service of significant variations from that planned, of both an adverse and favourable nature.
- 3.5.16 To comply with the principles outlined in paragraph 3.5.4 when allocating accounting duties.
- 3.5.17 To maintain adequate records to provide a management/audit trail leading from the source of income/expenditure through to the accounting statements.
- 3.5.18 To supply information required to enable the statement of accounts to be completed and published in accordance with the timetable and guidelines issued by the Corporate Director Resources.

Key controls

- 3.5.19 The key controls for accounting records and returns are:
 - (a) all Cabinet Members, finance employees and budget managers operate within the required accounting standards and timetables;
 - (b) all the Council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded; and
 - (e) prime documents are retained in accordance with legislative and other requirements, as set out in the Council's Document Retention Policy.

- (f) the central accounting system of the Council, administered by the Corporate Director Resources, is the prime system upon which the financial position of the council, or any part of the Council, will be assessed. Any authorised local financial systems will use the central financial information system as the prime accounting record. The sole approved exception relates to those schools and other organisations authorised to operate local bank accounts in accordance with the Scheme for the Financial Management of Schools or equivalent arrangements.

3.6 THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- 3.6.1. The Council has a statutory responsibility to prepare its own accounts to present its operations during the financial year in a fair manner. The Council is responsible for approving the statutory annual statement of accounts, through delegation to the Audit Committee.

Responsibilities of the Corporate Director Resources

- 3.6.2 To establish suitable accounting policies and to apply them consistently.
- 3.6.3 To make judgements and estimates that are reasonable and prudent.
- 3.6.4 To comply with the Statement of Recommended Practice [SORP].
- 3.6.5 To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the financial year.
- 3.6.6 To draw up the timetable and requirements for final accounts preparation and to advise employees and the external auditor accordingly.

Responsibilities of Directors

- 3.6.7 To comply with accounting guidance provided by the Corporate Director Resources and to supply the Corporate Director Resources with information when required.

Key controls

- 3.6.8 The key controls for the annual statement of accounts are: -
- (a) the Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Corporate Director Resources; and
 - (b) the Council's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (SORP)* (CIPFA / LASAAC).

RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 RISK MANAGEMENT

Why is this important?

4.1.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action, event or outcome. Risk management is a planned and systematic approach to identifying, evaluating and controlling risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well being of the Council. It is, therefore, an integral and essential part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action needed to control these risks effectively. Such action could include the following:

- (a) Transferring risk (where it is insurable or is better managed by an external partner)
- (b) Terminating risk (prevent the risk from occurring by doing things differently)
- (c) Treating risk (put in place measures to reduce risk to an acceptable level)
- (d) Tolerating risk (accept that risk cannot be avoided at a reasonable cost and, if necessary, put in place contingency plans)

4.1.2 It is the overall responsibility of the Audit Committee to approve the Council's Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

Responsibilities of the Corporate Director Resources

- 4.1.3 To prepare and promote the Council's Risk Management Strategy.
- 4.1.4 To develop risk reduction strategies (including continuity planning) in conjunction with other Directors and to monitor their effectiveness.
- 4.1.5 To include all appropriate employees of the Council in a suitable fidelity guarantee insurance policy.
- 4.1.6 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims, in consultation with other officers where necessary.

Responsibilities of Directors

- 4.1.7 To notify the Corporate Director Resources immediately of any injury, loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Corporate Director Resources or the Council's insurers.
- 4.1.8 To take responsibility for risk management and minimising exposure to loss, having regard to advice from the Corporate Director Resources and other specialist advisers (e.g. crime prevention, fire prevention, health and safety, emergency planning).
- 4.1.9 To ensure that there are regular reviews of Corporate and Departmental risk registers to identify and evaluate risk and to determine the ways in which risk can be managed. The risks and the mitigating actions should be recorded and monitored on an ongoing basis.
- 4.1.10 To notify the Corporate Director Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 4.1.11 To consult the Corporate Director Resources and the Director of Governance on the terms of any indemnity that the Council is requested to give.
- 4.1.12 To ensure that employees, or anyone covered by the Council's insurance, do not acknowledge a claim, admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim. Directors and their officers shall provide all assistance to enable the claim to be defended or progressed effectively and in accordance with statutory or other prescribed time-scales.

Key controls

- 4.1.13 The key controls for risk management are: -
 - (a) procedures are in place to identify risks, to evaluate their likely impact and probability of occurring, and to determine suitable risk reduction strategies. The risk management process operates continually to ensure that changes in circumstances and new risks are identified, evaluated and managed;

- (b) Corporate and Departmental Risk Registers are produced and are regularly reviewed and action taken when appropriate;
- (c) risk management procedures are communicated effectively throughout the Council. Managers know that they are responsible for managing risks in their areas and are provided with relevant information on risk management initiatives;
- (d) acceptable levels of risk are determined and insured against where appropriate; and provision is made through balances or reserves for losses where insurance is not appropriate;
- (e) the Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

4.2 INTERNAL CONTROLS

Why are these important?

- 4.2.1 The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations. Regulation 4(2) of The Accounts and Audit Regulations 2003 (amended 2006) requires the Council to conduct a review at least once in a year of the effectiveness of its system of internal control and include a statement on internal control with any statement of accounts.
- 4.2.2 The Council faces a wide range of financial, operational, legal and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks and minimise the occurrence of significant control failings and weaknesses.
- 4.2.3 The system of internal controls is established in order to provide measurable achievement of: -
- (a) efficient and effective operations;
 - (b) reliable financial information and reporting;
 - (c) the accomplishment of goals, objectives and targets;
 - (d) the safeguarding of assets;
 - (c) compliance with laws and regulations; and
 - (d) the management of risks.

Responsibilities of the Corporate Director Resources

- 4.2.4 To assist the Council to put in place an appropriate control environment and effective internal controls that provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of Directors

- 4.2.5 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 4.2.6 To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Corporate Director Resources. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 4.2.7 To report annually, as requested by the Chief Internal Auditor, on the systems of control in place within their Department.

4.2.8 To ensure employees have a clear understanding of the consequences of lack of control.

Key controls

4.2.9 The key controls are: -

- (a) key controls should be reviewed on a regular basis and the Council should make a formal statement annually in the Statement of Accounts to the effect that it is satisfied that the systems of internal control are operating effectively;
- (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance, taking appropriate anticipatory and remedial action and ensuring that personnel are competent, suitably qualified and trained. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
- (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems; and
- (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline *Guidance for Internal Auditors*, CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom 2006* and with any other statutory obligations and regulations.

4.3 AUDIT REQUIREMENTS

Internal Audit

Why is this important?

- 4.3.1 The requirement for an Internal Audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities make arrangements for the proper administration of their financial affairs. Regulation 6 of the Accounts and Audit Regulations 2015 more specifically requires that a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control. All auditing activity within the Council is accountable to the Audit Committee.
- 4.3.2 Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources. However, it is the responsibility of management to establish and maintain an effective system of internal control, irrespective of the Internal Audit function.

Responsibilities of the Corporate Director Resources

- 4.3.3 To ensure that internal auditors have the authority to: -
- (a) access all Council utilised premises as and when required;
 - (b) access all assets, records, documents, correspondence and control systems;
 - (c) request and receive any information and explanation considered necessary concerning any matter under consideration;
 - (d) require any employee or contractor of the Council to account for cash, stores or any other council asset under his control;
 - (e) access or have sight of relevant records of external parties (eg contractors) as may reasonably be required; and
 - (f) directly access the Chief Executive, Cabinet Members and Scrutiny Members.
- 4.3.4 To ensure that strategic and annual audit plans, an annual activity report and an annual opinion on internal control are prepared by the Chief Internal Auditor and approved by the Audit Committee.
- 4.3.5 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Directors

- 4.3.6 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 4.3.7 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 4.3.8 To consider and respond promptly to recommendations in audit reports.
- 4.3.9 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 4.3.10 To notify the Corporate Director Resources, the Chief Executive or Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. All employees involved shall regard the information, and its source, as confidential.
- 4.3.11 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Chief Internal Auditor prior to implementation.

Key controls

- 4.3.12 The key controls for Internal Audit are: -
 - (a) that it is independent in its planning and operation;
 - (b) the Chief Internal Auditor has direct access to the Chief Executive, all levels of management and directly to elected members; and
 - (c) the internal auditors comply with the Auditing Practices Board's guideline *Guidance for Internal Auditors*, as interpreted by CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom 2006*.

External audit

Why is this important?

- 4.3.13 Under the Local Audit and Accountability Act 2014 Public Sector Audit Appointments Ltd (PSAA) is responsible for appointing external auditors to each local authority in England and Wales up to 2017/18. From 2018/19 local authorities can opt for PSAA to make their external audit appointments. The external auditor has rights of access to all documents and information necessary for audit purposes.

4.3.14 The basic duties of the external auditor are set out in Part V of the Local Accountability and Audit Act 2014. In particular, Schedule 6 of that Act requires Comptroller and Auditor General to prepare a code of audit practice, which external auditors follow when carrying out their duties. The Code of Audit Practice sets out the auditor's role:

- (a) the audit of the financial statements;
- (b) work on value for money
- (c)

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

Responsibilities of the Corporate Director Resources

4.3.16 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

4.3.17 To ensure there is effective liaison between external and internal audit.

4.3.18 To work with the external auditor and advise the Council, Cabinet and directors on their responsibilities in relation to external audit.

Responsibilities of Directors

4.3.19 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

4.3.20 To ensure that all records and systems are up to date and available for inspection.

Key controls

4.3.21 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a Code of Audit Practice, which external auditors follow when carrying out their audits.

4.4 PREVENTING FRAUD AND CORRUPTION

Why is this important?

- 4.4.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- 4.4.2 The Council expects all members and employees to act with propriety and accountability. It expects them to lead by example in adhering to legal requirements, rules, procedures and practices.
- 4.4.3 The Council also expects that individuals and organisations with whom the Council comes into contact (for example, suppliers, contractors and service providers) will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Responsibilities of the Corporate Director Resources

- 4.4.4 To develop and maintain an anti-fraud and corruption policy.
- 4.4.5 To develop and maintain a whistleblowing policy
- 4.4.6 To maintain adequate and effective internal control arrangements.
- 4.4.7 To ensure that all suspected irregularities are reported to the Chief Internal Auditor and Benefit Fraud Manager.
- 4.4.8 To ensure that procedures are in place to respond to National Fraud Initiatives.

Responsibilities of Directors

- 4.4.9 To ensure that all suspected irregularities are reported to the Chief Internal Auditor, Benefit Fraud Manager and Corporate Director Resources.
- 4.4.10 To instigate the Council's disciplinary procedures when the outcome of an investigation indicates improper behaviour.
- 4.4.11 To ensure that where financial impropriety is discovered, the Corporate Director Resources and / or the Chief Executive is informed. Where sufficient evidence exists to believe that a criminal offence may have been committed, and pending their authorisation to proceed, the police may be called in to determine with the Crown Prosecution Service if any prosecution will take place.
- 4.4.12 To maintain a departmental register of interests recording potential conflicts of interest (financial or otherwise) between employees and organisations or individuals that the Council deals with (for example, suppliers, contractors, voluntary organisations). See also the Officer Code of Conduct.

Key controls

- 4.4.13 The key controls regarding the prevention of financial irregularities are: -
- (a) the Council has an effective anti-fraud and corruption policy and maintains a culture that will not tolerate fraud or corruption;
 - (b) all members and employees act with integrity and lead by example;
 - (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
 - (d) high standards of conduct are promoted amongst Members by the Audit Committee, in accordance with the Code of Conduct for Members;
 - (e) the maintenance of both a register of interests (to record potential conflicts of interest between employees or members and the Council) and a register of hospitality (to record any hospitality or gifts accepted);
 - (f) compliance with the Council's Contract Regulations;
 - (f) whistle blowing procedures in place and operate effectively; and
 - (g) compliance with legislation including the Public Interest Disclosure Act 1998.

4.5 ASSETS – (LAND, BUILDINGS, STOCKS, STORES, ETC.)

Acquisitions

Why are these important?

- 4.5.1 As the Council is funded by public monies, it is publicly accountable for the way that it spends its money. Value for money must be demonstrated, therefore, the Council has to exercise control over its purchasing activity, including asset acquisition (e.g. property, vehicles, plant and equipment, furniture).

Responsibilities of the Corporate Director Resources

- 4.5.2 To issue guidelines on the best practice in respect of asset acquisition.
- 4.5.3 To periodically review all guidelines to ensure that they still reflect best practice.
- 4.5.4 To ensure that all expenditure is properly recorded in the Council's accounts and records.

Specifically relating to the acquisition of land and buildings: -

- 4.5.5 The Council's corporate property officer is the Corporate Director Growth & Regeneration, who has the delegated responsibility to report on strategic property decisions and asset management through the Corporate Director Resources to the Cabinet.
- 4.5.6 To ensure that the Corporate Director Growth & Regeneration maintains and keeps current all information relating to land and built assets either owned or leased by the Council, through the Corporate Asset Management process.
- 4.5.7 To maintain an asset register identifying unique establishment reference number, tenure, name and address of property, current valuation, user group and CIPFA or other Central Government classification.

Approved methods of purchase shall be by: -

- a) Private Treaty;
 - b) Auction;
 - c) Tender;
 - d) Sealed Offer;
 - e) Exchanges of land;
 - f) Section 120 Agreements and Deeds of Planning Obligations; or
 - g) Compulsory Purchase Order.
- 4.5.8 To ensure that where land or property is to be acquired by the Council under compulsory purchase powers, the Corporate Director Growth & Regeneration shall advise the decision-maker of the proposed compulsory purchase order of the estimate of the market value and conduct negotiations on the decision-makers behalf. (Examples include

derelict houses to be purchased under Section 17 Housing Act 1985 for sub-standard or empty properties; under Section 290 Housing Act 1985 for unfit properties needing to be demolished; the Highways Act 1980; the Acquisition of Land Act 1981; Compulsory Purchase Act 1965 etc.).

- 4.5.9 To ensure that where land or property is to be acquired by the Council, the Corporate Director Growth & Regeneration advises the decision-maker of the proposed acquisition and estimate of its market value. The Corporate Director Resources shall advise the decision-maker of the anticipated financial implications, both capital and revenue, including budget provision.
- 4.5.10 To ensure that in all cases where the estimated market value of a property to be acquired exceeds £500,000, and in other cases where there is significant doubt as to the market value, the Corporate Director Growth & Regeneration shall obtain a second opinion from the District Valuer or from a consultant Chartered Surveyor and shall report such opinions to the decision-maker for a recommendation to be made to Cabinet.
- 4.5.11 To ensure that the Corporate Director Growth & Regeneration maintains a current land terrier indicating the freehold ownership of all Council land. It shall also record: buildings erected on the land; the controlling executive function; the powers under which the land is held; the location, extent and plan reference; purchase details; particulars of nature of interest; rents payable and particulars of tenancies granted. The Terrier shall also record those areas of land held by the Council on lease. As soon as practicable, land boundaries will be recorded on the Corporate Geographical Information System and shall be maintained and kept current in conjunction with the Corporate Asset Management process.

Responsibilities of Directors

- 4.5.12 To ensure that the Council's policies and procedures are complied with.
- 4.5.13 To ensure that the necessary separation of duties is observed, as referred to in paragraph 4.5.16.
- 4.5.14 To ensure that assets purchased are necessary.

Specifically relating to the acquisition of land and buildings: -

- 4.5.15 Directors must liaise with the Corporate Director Growth & Regeneration when considering acquisition or disposal of any assets that would be recorded on the Council's asset register.

Key controls

- 4.5.16 The key controls for asset acquisition are:
 - (a) Council policies in respect of the acquisition of assets are complied with at all times. This includes compliance with Contract Regulations for all asset acquisitions except land and buildings.

- (b) There are at least two employees involved in the process of acquisition, with a separation of duties between employees involved in the different parts of the process. As a minimum, this should be as stated in paragraph 4.4.13.
- (c) Procedures protect employees involved in the acquisition of assets from accusations of impropriety.

Asset disposal and transfer

Why is this important?

- 4.5.17 It would be uneconomic and inefficient for the cost of maintaining assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Council's policies and procedures.
- 4.5.18 Assets are sometimes used by or transferred to an external party, for example as part of an outsourced contract or partnership arrangement. It is important that the legal and financial basis for the transfer is determined and properly documented, so that the interests of the Council are protected.

Responsibilities of the Corporate Director Resources

- 4.5.19 To issue guidelines representing best practice for disposal of assets.
- 4.5.20 To ensure appropriate accounting entries are made to remove the value of disposed or transferred assets from the Council's records and to include the sale proceeds, if appropriate.

Responsibilities of Directors

- 4.5.21 To seek advice from the Corporate Director Resources on the disposal of surplus or obsolete materials, stocks, equipment and vehicles.
- 4.5.22 To seek advice from the Corporate Director Resources and the Director of Governance where assets are to be transferred or predominantly used by an external party.
- 4.5.23 To ensure that income received for the disposal of an asset is properly banked and coded.
- 4.5.24 To investigate discrepancies in stock and to authorise write-offs required to adjust the Council's records, or to obtain Cabinet approval if they are in excess of the predetermined limits (as referred to in paragraph 4.5.30).
- 4.5.25 To authorise the write off and disposal of obsolete or surplus materials, stocks and equipment, or to seek the Cabinet's approval if they are in excess of the predetermined limits (referred to in paragraph 4.5.30).
- 4.5.26 To ensure that the disposal of obsolete or surplus materials, stocks and equipment, is by competitive quotation or auction, unless, following consultation with the Corporate Director Resources, the Cabinet decides otherwise.

Specifically relating to the disposal or acquisition of land and buildings: -

4.5.27 To ensure that all disposals of land and buildings are in accordance with the Council's land sale policy current at the time. Where disposal of land and buildings is allowed, it shall be conducted in accordance with the provisions detailed in paragraphs (i) – (vi) below.

- (a) Approved methods of disposal shall be by:-
 - (i) Private Treaty;
 - (ii) Auction;
 - (iii) Tender
 - (iv) Sealed Offer;
 - (v) Exchanges of land; or
 - (vi) Compulsory Purchase Order
- (b) To ensure that where land is to be disposed of by the Council, the Corporate Director Growth & Regeneration shall act in accordance with Financial Regulations and S123 of the Local Government Act 1972. The latter states that a council shall not dispose of land under this section otherwise than by way of a short tenancy or lease (that is one for less than 7 years) for a consideration less than the best price that can be reasonably obtained. In all cases where land is intended to be disposed of at below market value, the prior approval of the Department for Communities and Local Government shall be obtained unless a General Disposal Consent has already been given.
- (c) To ensure that following determination by the land holding executive function that the land is surplus to requirements, the Corporate Director Growth & Regeneration in consultation with the land holding executive function shall recommend the method of disposal to the decision-maker for approval. The decision-maker shall be informed of the capital and revenue financial implications of any disposal including any loss of rental income and saving in expenditure on upkeep.
- (d) To ensure that where disposal is by tender, 10 days clear notice shall be given in one or more local newspapers circulating in the district and where appropriate in journals circulating amongst persons who undertake such purchases. The notice shall contain such of the following information as is relevant: -
 - (i) the nature and location of the land;
 - (ii) the invitation for tenders for the purchase;
 - (iii) the latest date and time by which tenders must be received;
 - (iv) the requirement that the tender must be sent in a plain sealed envelope which shall bear the words "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the tenderer; and
 - (v) the period during which tenderers are bound to keep open their tenders.The receipt, custody and opening of tenders shall be in accordance with conditions laid down in Contract Standing Orders;
- (e) To ensure that, where a disposal is by negotiation with a third party and the negotiated price exceeds £500,000 or the Corporate Director Growth & Regeneration has doubt as to the open market value of the land, he / she will refer the matter to the District Valuer or a consultant chartered surveyor for a second

opinion. He / she shall then report to the decision-maker for a recommendation to be made to the Cabinet.

- (f) To ensure that if land is being disposed of by way of assistance to “a provider of housing” in accordance with S24 and S25 of the Local Government Act 1988, a report on the value of the land will be required from the District Valuer and the consent of the Secretary of State for Communities and Local Government shall be obtained before disposal.
- (g) To ensure that where land or property is to be acquired by the Council under compulsory purchase powers, the Corporate Director Growth & Regeneration advises the decision-maker of the proposed compulsory purchase order, the estimate of the market value and conduct negotiations on the decision-makers behalf to dispose of the land when instructed to do so. (For example, where land is to be acquired under the Highways Act 1980 by another acquiring authority.)

Key controls

- 4.5.28 Assets for disposal or transfer are identified and are disposed of or transferred at the most appropriate time, and only when it is in the best interests of the Council, and the best price or contract terms are obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 4.5.29 Procedures protect employees involved in the disposal of assets from accusations of personal gain.
- 4.5.30 A financial limit for approving individual surpluses or deficiencies or disposal of obsolete stocks is in place. It is **£5,000** in relation to any individual stock line based on book value in any one financial year.

Security – (Including Inventories)

Why is this important?

- 4.5.31 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. Information held by the Council is also a key asset. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of assets required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Responsibilities of the Corporate Director Resources

- 4.5.32 To ensure that an asset register is maintained in accordance with good practice for all assets with a value in excess of £10,000, and an inventory maintained for all items between £250 and £10,000. The function of the asset register and inventory is to provide the Council with information about fixed assets so that they are: -
 - safeguarded;
 - used efficiently and effectively;

adequately maintained; and
accounted for.

- 4.5.33 To receive the information required for accounting, costing and financial records from each director.
- 4.5.34 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA / LASAAC).

Responsibilities of Directors

- 4.5.35 To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the director in consultation with the Director of Governance, has been established as appropriate.
- 4.5.36 To ensure the proper security of all employees, buildings and other assets under their control.
- 4.5.37 To pass title deeds to the Director of Governance who is responsible for custody of all title deeds.
- 4.5.38 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- 4.5.39 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 4.5.40 To consult the Corporate Director Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 4.5.41 To ensure cash holdings on premises are kept to a minimum and that maximum limits are agreed by the Corporate Director Resources.
- 4.5.42 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Corporate Director Resources (Internal Audit) as soon as possible.
- 4.5.43 To record all disposal of surplus, obsolete or damaged vehicles, plant, equipment etc. or part exchange of assets that should normally be by competitive tender or trade or public auction, unless the decision maker agrees otherwise, following consultation with the Corporate Director Resources.
- 4.5.44 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Corporate Director Resources.
- 4.5.45 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or

computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

- 4.5.46 To make arrangements for the care and custody of stocks and stores in the department, such that they are held securely and that damage and deterioration are prevented.
- 4.5.47 Stocks and stores records shall be kept in a form to be agreed by the Corporate Director Resources and directors shall supply him with such information relating to stores as is reasonably required by him.
- 4.5.48 To ensure stocks are maintained at reasonable levels (minimising obsolete, excessive or slow moving stocks) and are subject to a regular independent physical check at least once per year, except where continuous stocktaking arrangements, agreed with the Corporate Director Resources, are operating. All discrepancies should be investigated and pursued to a satisfactory conclusion. Directors shall certify the quantities and values of stocks held by their departments at 31st March each year.
- 4.5.49 To ensure that whenever a storekeeper or person in charge of stocks/stores hands over responsibility, leaves or ceases to have custody of the stores, the director or head of service shall ensure that a prior check is made of the stores concerned and that a handing over certificate is signed by the outgoing and incoming officer
- 4.5.50 To maintain an asset register and record an adequate description of furniture, fittings, equipment, vehicles, plant and machinery above £10,000 in value, in a manner approved by the Corporate Director Resources and an inventory for items in excess of £250 up to a value of £10,000. The latter should also include any desirable or portable items below £250. A central register of IT equipment will be maintained.
- 4.5.51 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.
- 4.5.52 To make sure that property is only used in the course of the Council's business, unless the director concerned has given permission otherwise.

Intellectual property

Why is this important?

- 4.5.53 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 4.5.54 Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Responsibilities of the Corporate Director Resources

- 4.5.55 To develop and disseminate good practice through the Council's intellectual property procedures.

Responsibilities of Directors

- 4.5.56 To ensure that controls are in place to ensure that employees do not carry out private work in Council time and that employees are aware of an employer's rights with regard to intellectual property.

Key controls

- 4.5.57 In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.

4.6 Treasury management

Why is this important?

- 4.6.1 Many millions of pounds pass through the Council's books each year, leading to the need for codes of practice. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

Responsibilities of Corporate Director Resources – treasury management and banking

- 4.6.2 To arrange the borrowing and investments of the Council, including bank overdrafts, in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management*, the Prudential Code, the Council's Treasury Management Strategy and the Council's Treasury Management Practices. This strategy is subject to agreement by the Council each year.
- 4.6.3 To report twice a year on treasury management activities to the Cabinet.
- 4.6.4 To operate bank accounts as are considered necessary. All arrangements with the Council's approved bankers regarding the Council's bank accounts, (other than school bank accounts referred to in 4.6.6 below), and the terms on which they are conducted shall be made by the Corporate Director Resources.
- 4.6.5 To ensure that detailed arrangements are made regarding the Council's bank accounts and for the issue of cheques and cards. All cheques or cards shall be ordered only on the authority of the Corporate Director Resources who shall advise on proper arrangements for their safe custody.
- 4.6.6 All of the Council's bank accounts must either be in the name of "Peterborough City Council" or (as in the case of schools) include a reference to "PCC" in the name of the account. The only approved exception relates to those schools authorised to operate local bank accounts in accordance with the Council's Scheme for the Financial Management of Schools.
- 4.6.7 To ensure that all investments or utilisation of monies and other accumulations and the sale or realisation of investments are made in the name of the Council or in the name of nominees approved by the Cabinet.
- 4.6.8 To ensure that all securities that are the property of the Council or its nominees are held in the custody of the appropriate responsible officer.
- 4.6.9 To effect all borrowings in the name of the Council.
- 4.6.10 To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money and investment by the Council.
- 4.6.11 To ensure that in circumstances where the Council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, the Corporate Director Resources or his authorised representative shall so far as possible, obtain

competitive quotations from relevant funding sources and such arrangements shall be subject to approval by the relevant Cabinet Member.

Responsibilities of Directors – treasury management and banking

- 4.6.12 To follow the instructions on banking issued by the Corporate Director Resources.
- 4.6.13 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet, following consultation with the Corporate Director Resources and the Director of Governance.
- 4.6.14 To ensure loans are set in accordance with the Council's policies, rates and security arrangements.
- 4.6.15 To ensure that Directors advise the Corporate Director Resources (Loans & Insurance Section) of the disposal of any vehicle or item of equipment that is subject to a lease arranged by that section at least one month prior to the intended disposal or surrender taking place.
- 4.6.16 To ensure that directors and heads of service advise the Corporate Director Resources (Treasury and Insurance Section) of any vehicle or item of equipment required to be leased at least two months in advance or at such other time interval as laid down by the Corporate Director Resources.
- 4.6.17 To ensure that where the Council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, advice is sought from the Corporate Director Resources (Treasury and Insurance) before entering into any financial agreements.

Responsibilities of Corporate Director Resources – trust funds and funds held for third parties

- 4.6.18 To ensure that, whenever possible, all trust funds are held in the name of the Peterborough City Council unless otherwise approved by the Corporate Director Resources.
- 4.6.19 To ensure that all officers acting as trustees by virtue of their official position deposit securities etc. relating to the trust with him / her, unless the deed itself states alternative provision.
- 4.6.20 Where funds are held on behalf of third parties, to approve the arrangements for their secure administration.

Responsibilities of Directors – trust funds and funds held for third parties

- 4.6.21 To arrange for all trust funds to be held, wherever possible, in the name of the Council. All Members and officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Corporate Director Resources, unless the Corporate Director Resources has approved otherwise.
- 4.6.22 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Corporate Director Resources, and to maintain written records of all transactions.
- 4.6.23 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the Corporate Director Resources – imprest accounts

- 4.6.24 To make advances to officers where necessary, after consultation with the Director or head of service concerned, in the following forms: -
 - (a) **Cash Floats** - being fixed sums for the purposes of providing change in operational areas. Officers shall be responsible for ensuring the safekeeping of the floats under their control at all times.
 - (b) **Petty Cash Account** – cash held by a designated officer for payment of minor expenses. Individual petty cash payments shall not exceed £50 (apart from Trading Standards). (This amount may be exceeded with the prior agreement of the Corporate Director Resources (Service Director Financial Services ,Chief Internal Auditor or Head of Business Support)). The designated officers shall maintain a record of their payments (including supporting receipts) and reimbursements in the form and manner prescribed by the Corporate Director Resources.
 - (c) **Bank Imprest Account** – a balance held under the control of a designated officer, in a separate Council bank account, for payment of specified expenses for a specified operational area. Such officers shall maintain a record of their payments (including receipts / invoices) and reimbursements in the form and manner prescribed by the Corporate Director Resources.
 - (d) **Bank Accounts (Delegated)** – Advances will be made under the appropriate scheme of delegation, which will also set out the records that are required to be kept.

Responsibilities of Directors– imprest accounts

- 4.6.25 To ensure that employees operating an imprest / petty cash account: -
- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
 - (b) make adequate arrangements for the safe custody of the account;
 - (c) produce upon demand by the Corporate Director Resources cash and all vouchers to the total value of the imprest amount;
 - (d) record transactions promptly;
 - (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
 - (f) provide the Corporate Director Resources with a certificate of the value of the account held at 31st March each year;
 - (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
 - (h) ensure that the float is never used to make payments relating to employee costs (eg salaries, wages and travel costs)
 - (i) on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Corporate Director Resources for the amount advanced to him or her by having the imprest independently checked and reconciled. In the case of imprest accounts, an account should be submitted together with the vouchers for the amount expended for reimbursement;
 - (j) Cash advances will not normally be made. However in appropriate circumstances where they are made, the controls relating to imprests shall apply. Final repayment of the balance outstanding shall be promptly made to the cash office and all receipts which have not been the subject of reimbursement should be forwarded to the Financial Controller together with a reconciled statement detailing the advance, expenditure and monies banked.
 - (k) Every transfer of official money from one employee to another shall be evidenced in the records of the department(s) concerned by the entry of the amount and signature of the receiving officer.
 - (l) Disbursements are only made after claims have been properly authorised.

Key controls

- 4.6.26 That the Council's borrowings and investments comply with the Council's treasury policy statement, which is based upon the CIPFA *Code of Practice on Treasury Management*.
- 4.6.27 That all bank accounts and cash, petty cash and imprest accounts are regularly reconciled.
- 4.6.28 That annual certificates are produced for cash, petty cash and imprest accounts.

4.7 WORKFORCE

Why is this important?

- 4.7.1 The Council sees its employees as a valuable asset to running its business. In order to provide the highest level of service, it is essential that the Council recruits and retains high calibre, knowledgeable employees, who are qualified to an appropriate level.

Responsibilities of the Corporate Director Resources

- 4.7.2 To ensure that Directors have identified budget provision exists for all existing and new employees.
- 4.7.3 To act as an advisor to directors on areas such as National Insurance and pension contributions, as appropriate.
- 4.7.4 To develop a workforce strategy, policy and procedures and ensure they are disseminated and enforced.

Responsibilities of Directors

- 4.7.5 To produce an annual workforce budget.
- 4.7.6 To ensure that the workforce budget is an accurate forecast of workforce levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- 4.7.7 To monitor employee activity to ensure adequate control over such costs as sickness, overtime, training and temporary employees.
- 4.7.8 To ensure that the workforce budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- 4.7.9 To ensure that the Assistant Director for Human Resources and Development and the Corporate Director Resources are immediately informed if the workforce budget is likely to be materially over- or underspent.
- 4.7.10 To comply with, and ensure employees comply with, the Council's Human Resource policies (for example: recruitment, training and flexible working policies).

Key controls

- 4.7.11 The key controls for employees are: -
- (a) an appropriate workforce strategy and policy exists, in which employee requirements and budget allocation are matched;
 - (b) procedures are in place for forecasting workforce requirements and cost;
 - (c) controls are implemented that ensure that employee time is used efficiently and to the benefit of the Council; and

- (d) checks are undertaken prior to appointing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

FINANCIAL SYSTEMS AND PROCEDURES

5.1 GENERAL

Why are these important?

- 5.1.1 Departments have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must, therefore, be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 5.1.2 The Corporate Director Resources has a professional responsibility to ensure that the Council's financial systems are sound and should, therefore, be notified of any new developments or changes.
- 5.1.3 The implementation of Procure to Pay on a roll out basis means that Officers will follow two authorisation processes. All directorates will follow the authorisation rules set out in 5.1.18, once the directorates use Procure to Pay, the rules set out in 5.1.19 will be followed.

Responsibilities of the Corporate Director Resources

- 5.1.4 To make arrangements for the proper administration of the Council's financial affairs, including to:
 - (a) issue advice, guidance and procedures for officers and others acting on the Council's behalf;
 - (b) determine the accounting systems, form of accounts and supporting financial records;
 - (c) establish arrangements for audit of the Council's financial affairs;
 - (d) approve any new financial systems to be introduced; andapprove any changes to be made to existing financial systems.
- 5.1.5 To ensure that secure procedures are employed for the authorisation of: -
 - a) cheques;
 - b) bonds;
 - c) BACS;
 - d) leasing agreements;
 - e) direct debits / standing orders; and

- f) bank transfers;
- g) use of Government Procurement Card.

With the exception of school bank accounts and school bank imprest account / card signatories, the Corporate Director Resources shall approve all signatories for items (a) to (g).

- 5.1.6 To approve those officers required to represent the Council on financial matters at the Magistrates Court and Valuation Tribunal. (This does not apply to officers within Legal Services).
- 5.1.7 To ensure that standards for proper information security management within the Council are drawn up by the Service Director Financial Services in consultation with Internal Audit. The standards which have been drawn up must be formally approved by the Strategic Governance Board.
- 5.1.8 To ensure that the general responsibility for advising on and setting standards for appropriate data protection relating to information held in any Council computer installation shall be that of the Service Director Financial Services.

Responsibilities of Directors

- 5.1.9 To ensure that accounting records are properly maintained and held securely.
- 5.1.10 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Corporate Director Resources and in line with the document retention policy.
- 5.1.11 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 5.1.12 To incorporate appropriate controls to ensure that, where relevant: -
 - (a) all input is genuine, complete, accurate, timely and not previously processed;
 - (b) all processing is carried out in an accurate, complete and timely manner; and
 - (c) output from the system is complete, accurate and timely.
- 5.1.13 To ensure that the organisational structure provides an appropriate segregation of duties to minimise the risk of fraud or other malpractice.
- 5.1.14 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 5.1.15 To ensure that systems are documented and employees trained in operations.
- 5.1.16 To consult and obtain approval from the Corporate Director Resources before the introduction or amendment of any system, manual or computerised.

5.1.17 To establish a departmental written scheme of delegation that covers both financial and non-financial matters. It should identify those officers authorised to act on the Director's behalf in respect of those items set out in section 5.1.18 below, as well as any other area considered necessary. It should show the limits of their authority. Directors should ensure that their internal schemes of delegation are comprehensive and up to date, and that departmental officers are aware of them.

5.1.18 To supply to the Corporate Director Resources (Payments), in a form approved by him, details of officers approved to authorise the items listed below. It should include a specimen signature and the value of the delegated limits. The Corporate Director Resources (Payments) should also be notified when approved officers leave the Council or their role changes.

- a) orders and certification of invoices arising from orders;
- b) certification of invoices and cheque requisitions;
- c) contract payments and deductions;
- d) letters of intent or acceptance on contracts;
- e) petty cash vouchers;
- f) purchase cards;
- g) sundry debtor invoice requisitions, cancellations and amendments;
- h) Car park pass requests;
- i) Printing requisitions;
- j) mileage and subsistence claims;
- k) wages and salaries forms, timesheets and overtime sheets, plant and bonus sheets; and
- l) any other area considered necessary e.g. credit / debit cards, imprest account signatories, grant cheque requisitions etc.

5.1.19 An approval hierarchy is also set within the Agresso financial system of the Council. These are determined by the APD Tiers within the Human Resources systems. The table below states the approval limits for each tier.

APD Tier	Approval Tier	Approval Limit
None	Tier 0	£10 million
1	Tier 1	£1.5 million
2	Tier 2	£1 million
3	Tier 3	£100k
4	Tier 4	£50k
5	Tier 5	£10k
6	Tier 6	£1k

5.1.20 The approval tiers are driven by the staffing hierarchies within the Human Resources systems of the Council. The approval tiers cover the following Council Officers:

- Tier 0 – Chief Executive, Corporate Director Resources (in absence Service Director Financial Services)
- Tier 1 –Corporate Director Growth and Regeneration, Executive Director People and Communities Cambridgeshire and Peterborough, Director Public Health, Director of Governance, Service Director Financial Services (in absence Corporate Accounting Manager, Financial Controller, Financial Planning & Business Manager)
- Tier 2 – Heads of Service and Assistant Directors
- Tier 3 – Senior Manager, Service Manager, Section Head
- Tier 4 – Middle Manager
- Tier 5 – Junior Manager, First-line Managers
- Tier 6 – Junior Manager, First-line Managers

5.1.21 Exceptions to this approval hierarchy must be approved by the Corporate Director Resources (Internal Audit).

5.1.22 To comply with secure authorisation procedures as directed by the Corporate Director Resources. The certification or approval of an order by or on behalf of the Director will indicate that the certifying officer is satisfied that the expenditure is authorised, is properly and necessarily incurred and conforms to the needs of the particular service.

5.1.23 Contract Regulations must be followed by Officers first before authorisations are made in Agresso using the authorities set out in 5.1.18 and 5.1.19.

5.1.24 To ensure that the officers approved to authorise (a) to (l) in section 5.1.18 and 5.1.19 above are permanent employees of the Council with at least 6 months service as Local Government officers. Exceptions may be agreed subject to the prior approval by the Corporate Director Resources (Internal Audit).

5.1.25 To ensure that the Corporate Director Resources shall be notified immediately of any authorised signatories who leave the City Council's employment, who are on sick leave for a period anticipated to exceed 4 weeks or cease to be authorised to sign, and of any new signatories.

All authorised signatories shall either: -

- (a) sign in their own name and in their own hand and not use an artificial aid e.g. a rubber stamp.
- (b) use the relevant IT system using their own unique password and username to approve transactions.

Any variations to these procedures must be approved in writing beforehand by the Corporate Director Resources (Internal Audit).

- 5.1.26 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 5.1.27 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that employees are aware of their responsibilities under the legislation.
- 5.1.28 To ensure that relevant standards, policies and guidelines for computer systems issued by the Service Director Financial Services are observed by all employees and Members.
- 5.1.29 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 5.1.30 To comply with the Council's policy, the Copyright, Designs and Patents legislation and, in particular, to ensure that: -
- (a) only software legally acquired and installed by the Council is used on its computers;
 - (b) employees are aware of legislative provisions; and
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

Key controls

- 5.1.31 The key controls for systems and procedures are: -
- (a) basic data exists to enable the Council's objectives, reporting requirements, targets, budgets and plans to be formulated;
 - (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;
 - (c) early warning is provided of deviations from targets, plans and budgets that require management attention; and
 - (d) operating systems and procedures are secure.

5.2 INCOME AND EXPENDITURE

Income Controls

Why are these important?

- 5.2.1 Income can be vulnerable to loss, delay, theft or misappropriation. Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

Responsibilities of the Corporate Director Resources

- 5.2.2 To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection in accordance with the requirements of the Accounts and Audit Regulations 2003 (amended 2006).
- 5.2.3 To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 5.2.4 To agree the write-off of bad debts up to an approved limit in each case. The Corporate Director Resources is approved to write-off a debt (or combination of debts) in relation to any individual debtor in any one financial year of up to **£10,000**. The write-off of amounts greater than this are agreed by the Cabinet Member for Resources.
- 5.2.5 To approve all debts to be written off in consultation with the relevant director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2003 (amended 2006).
- 5.2.6 To obtain the approval of the Cabinet Member for Resources in consultation with the relevant director for writing off debts in excess of the approved limit. However, if the Director of Governance is satisfied that there is no basis on which legal action may be taken to recover the debt, the Corporate Director Resources may instruct that the account be written off.
- 5.2.7 To ensure that appropriate accounting adjustments are made following write-off approval.
- 5.2.8 To periodically report to the Cabinet performance statistics in relation to the effectiveness with which debts are being managed throughout the Council, except where there are specific reports providing this information to the relevant executive function.

Responsibilities of Directors

- 5.2.9 To establish a charging policy, in consultation with the Corporate Director Resources (Strategic Finance), for the supply of goods or services by the Council, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies and robust budget proposals. Also to undertake, as a minimum, an annual review of income, fees and charges for consideration normally at the January meeting of the relevant executive function. These revised charges should be correctly implemented at the commencement of the financial year.
- 5.2.10 To ensure that where income is obtained by way of granting a concession for facilities, then the concession is let and awarded in line with Contract Regulations.
- 5.2.11 To consult with the Corporate Director Resources before the first letting of part or whole of a building to a third party.
- 5.2.12 To ensure that internal control measures include the separation of employee duties so that, as far as possible, the following procedures are the responsibility of separate employees: -
- the collection or receipt of income;
 - the recording and banking of income;
 - reconciliations of income to cash banked;
 - authorising debt write-offs
 - custody of goods/materials for sale.
- 5.2.13 To establish and initiate appropriate recovery procedures, including legal action, with the assistance of the Director of Governance, where necessary, for debts that are not paid promptly. **NB Invoices shall be raised in respect of work done, services rendered etc. within 10 working days of the work having been done or services provided or supplied.**
- 5.2.14 To ensure that all books of accounts and all official receipt forms or books, licences, tickets are in the form approved by the Corporate Director Resources and are ordered, controlled and issued in a manner agreed by him. All stock of controlled stationery shall be delivered directly to the Strategic Finance Income Section. The authorised representative of the Corporate Director Resources will keep a register of such documents and issues of controlled stationery shall be acknowledged by the signature of the officer to whom the issue is made.
- 5.2.15 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- 5.2.16 To hold securely receipts, tickets and other records of income for the appropriate period, in accordance with the Document Retention Policy.
- 5.2.17 To ensure that all employees receiving cash on behalf of the Council shall always acknowledge its receipt by means of an official Council receipt.

- 5.2.18 To lock away all cash / cheques to safeguard against loss or theft, and to ensure the security of cash handling.
- 5.2.19 To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Such bankings to be made daily or at such intervals as the Corporate Director Resources (Internal Audit) may decide. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited by employees must be reconciled to the bank account on a regular basis and they should keep a chronological account of all receipts and deposits in a manner agreed by the Corporate Director Resources.
- 5.2.20 To ensure that all payments of sums received, to the Corporate Director Resources or to the City Council's Bank directly, shall be made in accordance with the Accounts and Audit Regulations 2003 (amended 2006) Regulation 5, in that:-
- (a) Every officer who pays any money into a bank account of the Council or passes it to the Council's security carrier for this purpose shall enter on the paying-in slip, and on the counterfoil or duplicate, particulars of the payment, including in the case of each cheque paid in: -
 - (i) the amount of the cheque; and
 - (ii) a reference (such as the number of the receipt or the name of the payer) which will connect the cheque with the debt(s), in discharge or partial discharge of which it was received.
 - (b) Where any cheque paid in as specified in (a) was not received in discharge or partial discharge of a debt to the Council, the officer shall note the fact on the counterfoil or duplicate paying-in slip.
 - (c) Compliance with this regulation shall be in a form agreed by the Corporate Director Resources.
- 5.2.21 To ensure income is not used to cash personal cheques or other payments.
- 5.2.22 To ensure that all account forms shall require remittances to be sent in accordance with instructions issued by the Corporate Director Resources, and cheques, money orders and postal orders to be drawn in favour of "Peterborough City Council" and crossed for payment through a bank. Acceptance of debit or credit cards and payments by the Internet shall only be in accordance with procedures laid down by the Corporate Director Resources.
- 5.2.23 To supply the Corporate Director Resources with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Corporate Director Resources to record correctly the sums due to the Council and to ensure accounts are sent out promptly. To do this, directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Corporate Director Resources. Directors have a responsibility to assist the Corporate Director Resources in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf. Only up to approved levels of cash can be held on the premises. However, every effort should be made to secure pre-payment for Council services / facilities wherever possible.

- 5.2.24 The use of external debt collection agencies shall only be authorised by the Corporate Director Resources. Arrangements with debt collection agencies will be let in line with Contract Standing Orders. The debt collection agencies will be required to operate under a formal code of practice.
- 5.2.25 To keep a record of every transfer of money between individuals, whether they are employees of the Council or members of external organisations (eg cash collection agencies). The receiving officer must sign for the transfer and the transferor must retain a copy.
- 5.2.26 To recommend to the Corporate Director Resources all debts to be written off, and to keep a record of all such debts, up to the approved limit (as detailed in paragraph 5.2.4). Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation or billing of the original debt.
- 5.2.27 To obtain the approval of the Corporate Director Resources when writing off debts in excess of the approved limit, and the approval of the relevant Cabinet Member where required.
- 5.2.28 To notify the Corporate Director Resources of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Corporate Director Resources.

Key controls

- 5.2.29 The key controls associated with income are included with the debt protocol for the council and are: -
- (a) all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
 - (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
 - (c) all money received by an employee on behalf of the Council is paid without delay to the Corporate Director Resources or, as he directs, to the Council's bank or National Giro account, and properly recorded. The responsibility for cash collection should be separated from that of: -
 - identifying the amount due; and
 - of reconciling the amount due to the amount received
 - (d) effective action is taken to pursue non-payment within defined timescales;
 - (e) formal approval for debt write-off is obtained;
 - (f) appropriate write-off action is taken after all avenues are exhausted;
 - (g) appropriate accounting adjustments are made following write-off approval;

- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention policy; and
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Procuring and paying for goods, works and services (Contracts)

Why is this important?

- 5.2.30 The Council spends a significant amount each financial year on procuring goods, works and services, and public money so spent should demonstrate probity and be in accordance with the Council's policies. The Council is a best value authority and it has a duty under S.3 of the Local government Act 1999 to ensure it achieves best value and continuous improvement in relation to the procurement process.
- 5.2.31 All purchases constitute a contract. The Council's Contract Regulations set out the rules that apply to procurement and describe what actions to take when deciding from whom and, by what method, to purchase goods, works and services. The Financial regulations set out the Council's internal financial procedures and describe its requirements for ordering and paying for goods, works and services.

General

- 5.2.32 Every officer and Member of the Council has a responsibility to declare any interests they have in contracts (whether financial or non-financial), in accordance with S.117 of the Local Government Act 1972 and the Officer Code of Conduct and Code of Conduct for Members.
- 5.2.33 Officers must estimate the value of any proposed purchase (contract) strictly in accordance with the rules set out in Contract Regulations to ensure they use the correct procurement procedure.
- 5.2.34 Purchases and Disposals to which Contract Regulation apply are to be dealt with in line with procedures in Contract Regulations. Where contract is under £50,000 an official order must be raised. Official orders, will be approved based on the approval hierarchy determined by the Corporate Director Resources, and must be issued for all goods, works or services to be supplied to the Council up to the value of £50,000, except for:
 - (a) supplies of utilities, for example gas, water, electricity and telephone;
 - (b) periodic payments such as rent or rates;

Contracts over £50,000 are required to be let in line with tender procedures in Contract Regulations and require a formal contract document to be entered into. Some contracts are normally awarded by means of a letter of intent or letter of acceptance. An official order may be used depending on type of contract but where it is it must be appropriately authorised (see paragraph 5.1.17) and there must be mechanisms in place to monitor expenditure on the contract.

5.2.35 Once a contract is awarded, approval within the financial system will be made based on the approval limits set out in 5.1.18 and 5.1.19.

5.2.36 Where there is a corporate contract that requires a single contractor or supplier to be used across the Council, then officers in all departments should place orders in line with that policy.

5.2.37 Directors and heads of service have authority to incur expenditure on routine matters and within approved estimates provided such expenditure complies with:

Contract Standing Orders
Financial Regulations; and
approved Council policy, as applicable.

5.2.38 Official orders are those generated by the Council's purchasing system (Oracle) and manual order forms that are supplied by the Corporate Director Resources (Income Section) as controlled stationery. Orders are necessary to provide an adequate level of control over both the purchasing and payment processes, particularly in terms of authorising expenditure. In addition, the use of computerised purchasing systems enables information on committed expenditure to be included in financial management systems and thus enhances budgetary control. It also provides an automated mechanism for identifying and preventing payments in excess of the order sum. For this reason manual orders should only be used when the computerised purchasing systems are not available.

5.2.39 The normal method of Council payment shall be by cheque, bank automated clearing system (BACS) or other instrument or approved method, drawn on the authority's bank account or National Giro account by the Corporate Director Resources. Exceptions to this are petty cash, schools' own bank accounts and other payments from approved imprest accounts or cash advances (one off advances for specific projects). Electronic ordering of goods and services via the Internet may be undertaken by those officers who are approved authorised signatories (see paragraph 5.1.18). Invoices relating to goods and services purchased electronically must be processed by means of the Council's normal Creditors system.

5.2.40 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

Key controls

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

- (a) all orders for goods, works and services are placed only by authorised persons and are correctly recorded;
- (b) all purchases (contracts) of goods, works and services are made in accordance with the Council's Contract Regulations;
- (c) goods received are checked, and works and services are monitored, to ensure they are in accordance with the order, are of appropriate quality and have been performed or received at the correct time.
- (d) at least two employees are involved in the ordering, receiving and payment process. As a minimum, the controls listed below should be applied:
 - Goods, works or services should be received (and evidenced as such) by someone other than the person who authorised the order;
 - Payments should be certified by someone other than the person who received the goods, works or services or who checked the payment details
- (d) payments are not made unless goods, works and services have been delivered, provided or performed for the Council at the correct price, time, quantity and quality standards;
- (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
- (f) all appropriate evidence of the procurement transaction (for example, orders, payment documents and contract documents) are retained and stored for the defined period, in accordance with Contract Regulations and the Document Retention Policy;
- (g) all expenditure, including VAT, is accurately recorded against the right budget; and
- (h) where e-commerce and electronic procurement are to be used, adequate processes are put in place before transacting business electronically, to ensure that the Council is protected and to maintain the security and integrity of data.

Responsibilities of the Corporate Director Resources

- 5.2.42 To ensure that all the Council's financial systems and procedures are sound and properly administered.
- 5.2.43 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 5.2.44 To approve the form of official orders.

- 5.2.45 To monitor the aggregate value of goods, works and services purchased across the Council.
- 5.2.46 To make payments from the Council's funds on the director's authorisation that the expenditure has been duly incurred in accordance with Contract Regulations and Financial Regulations.
- 5.2.47 To make payments, whether or not provision exists within the budgets, where the payment is specifically required by statute, binding contract or is made under a court order.
- 5.2.48 To make payments in relation to formally let contracts on the certificate of the appropriate director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 5.2.49 To examine, as far as is considered necessary, all accounts passed for payment. The Corporate Director Resources is entitled to make all such enquiries and to receive such information and explanations considered necessary in order to ensure that the accounts are in order.
- 5.2.50 To maintain an up-to date list of employees authorised to approve orders, payments, certificates and letters of intent, including specimen signatures, identifying in each case the limits of authority.
- 5.2.51 To ensure that cheque payments greater than £50,000 are authorised by two cheque signatories and that secondary approval is obtained for BACS payments over £50,000.
- 5.2.52 Subject to satisfaction that the accounts are in order, to pay accounts certified by, or on behalf of directors and heads of service, which are payable by the Council and make any deductions that may be required by the relevant tax authorities.
- 5.2.53 To provide advice and encouragement on making payments by the most economical means.
- 5.2.54 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of Directors

- 5.2.55 To ensure that unique pre-numbered official orders are used for all goods, works and services, other than the exceptions specified in 5.2.34.
- 5.2.56 To ensure that orders are only used for goods, works and services provided to the department. Individuals must not use official orders to obtain goods or services for their private use.
- 5.2.57 To ensure that only those employees approved by him / her authorise orders, letters of intent and payments and that officers are made aware of the identity of the authorised signatories in their department.

- 5.2.58 To ensure that orders and letters of intent are only authorised when satisfied that: the goods, works and services ordered are appropriate and needed; that there is adequate budgetary provision (or a guarantee of funding from an external agency); and that quotations or tenders have been obtained in accordance with Contract Regulations. Best value principles should underpin the Council's approach to procurement. Value for money should always be achieved.
- 5.2.59 To ensure that goods received are checked, and works and services are monitored to verify that they are in accordance with the Council's requirements, are of appropriate quality and have been performed or received at the correct time.
- 5.2.60 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment through the electronic invoice certification process, confirming:
- (a) receipt of goods, works or services;
 - (b) that the invoice has not previously been paid;
 - (c) that expenditure has been properly incurred and is within budget provision;
 - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
 - (e) correct accounting treatment of tax;
 - (f) that the invoice is correctly coded;
 - (g) that discounts have been taken where available;
 - (h) that deductions or retentions have been made as appropriate; and
 - (h) that appropriate entries will be made in accounting records.
- 5.2.61 To ensure that where construction, maintenance or similar work is involved, that the contractor has already provided the documentation under the Construction Industry Scheme unless an exemption has been obtained by the Service Director Financial Services .
- 5.2.62 To ensure that two authorised employees are involved in the ordering, receiving and payment process.
- 5.2.63 To ensure that only appropriate employees are given approval to authorise orders and payments and to sign letters of acceptance or otherwise commit the Council to contracts (see paragraphs 5.1.17, 5.1.18 and 5.1.19). Such approval should be reviewed periodically to ensure its ongoing suitability.
- 5.2.64 To forward the names of authorising officers together with specimen signatures and details of the limits of their authority to the Corporate Director Resources.

- 5.2.65 To ensure that the director or his duly authorised officer in line with a written scheme of delegation signs each account, thereby signifying that Contract Regulations and Financial Regulations have been complied with. Any variations to this procedure must be approved in writing beforehand by the Corporate Director Resources (Internal Audit).
- 5.2.66 To ensure that payments are made on an original invoice through the electronic invoice process. Photocopied or faxed invoices and statements are not appropriate. Any such instances should be authorised by an authorised officer.
- 5.2.67 To ensure that no authorised signatory shall approve his / her own claim for reimbursement of expenditure.
- 5.2.68 To ensure that all requests submitted to the Corporate Director Resources to establish periodical payments are: -
- a) in writing in a form approved by the Corporate Director Resources (Payments);
 - b) are certified by an authorised signatory whose financial limit covers the total value of the periodical payment for the whole of the stated term; and
 - c) has a stated end date.
- 5.2.69 To ensure that all orders are goods receipted or certified for payment each day to enable them to be processed in a timely manner. If an invoice is disputed with the supplier, it should be forwarded to the Corporate Director Resources (Payments) as soon as the dispute is resolved. The official order number shall be quoted unless the expenditure falls into the category of exceptions detailed in paragraph 5.2.34 or the department has approval not to do so.
- 5.2.70 To encourage suppliers of goods and services to receive payment by the most economical means for the Council (usually by BACS). It is essential that payments made by direct debit have the prior approval of the Corporate Director Resources.
- 5.2.71 To ensure that confirmatory orders on official forms are issued and dispatched not later than the next working day following an order that is placed on the telephone or in person.
- 5.2.72 To ensure that the department obtains value for money from purchases by taking appropriate steps to obtain competitive prices for goods, works and services of the appropriate quality.
- 5.2.73 To comply with the Council's Contract Regulations.
- 5.2.74 To ensure that no contract is let, nor any expenditure incurred in connection with a contract, unless the Council has approved capital or revenue estimates to cover such expenditure either as an individual item or as part of a programme.
- 5.2.75 To ensure that the Corporate Director Resources (Service Director Financial Services), Director of Governance and SPU are consulted by any officer or relevant Cabinet Member of the Council on matters having clear financial implications, before any tender is submitted or accepted.

- 5.2.76 To ensure that employees are aware of the Officer Code of Conduct, Contract Regulations and other Council policies or documents affecting procurement.
- 5.2.77 To ensure that contracts, loans, leasing or rental arrangements are not entered into without prior agreement from the Corporate Director Resources, and in consultation with the Director of Governance where necessary. This is to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 5.2.78 To notify the Corporate Director Resources of outstanding expenditure relating to the previous financial year as soon as possible after 31 March, in line with the timetable determined by the Corporate Director Resources.
- 5.2.79 In respect of contracts, to document and agree with the Corporate Director Resources the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 5.2.80 To notify the Corporate Director Resources immediately of any expenditure to be incurred as a result of statute, binding contract or court order where there is no budgetary provision.
- 5.2.81 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Document Retention Policy.
- 5.2.82 To ensure that considerable care is exercised when engaging and making payments to individuals providing services to the Council. The nature of the service being provided determines whether or not the individual is an "employee" for tax purposes (even if the Council has engaged them as a consultant under a contract for services). In circumstances such as these, it is probable that these payments should be made by means of the payroll system and not by the Payments system, in order that the tax and National Insurance can be correctly accounted for by the Council. Even if the person to be paid states that they are self-employed (and even if they use a company name rather than their own) the correct method of payment should be verified with the Corporate Director Resources, Assistant Director for Human Resources and Development and Director of Governance *before* engaging the services of such an individual.
- 5.2.83 To ensure that the payment of financial assistance to officers engaged in professional training are dealt with under the post-entry training scheme. Directors and heads of service shall make payments under this scheme in consultation with the Director of Governance (Assistant Director for Human Resources and Development).
- 5.2.84 To ensure the Director of Governance has custody of formal contract documents for contracts over £50,000 under secure arrangements agreed with the Corporate Director Resources (Internal Audit).

Payments to Employees and Members

Why are these important?

5.2.85 Employees costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for, and that members' allowances are authorised in accordance with the scheme adopted by the Council.

Key controls

5.2.86 The key controls for payments to employees and members are: -

- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to: -
 - starters;
 - leavers;
 - variations;
 - enhancements; and
 - that payments are made on the basis of timesheets or claims;
- (b) an authorised establishment structure exists that is maintained accurately and is up to date;
- (c) frequent reconciliation of payroll expenditure against approved budget and bank account;
- (d) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention policy; and
- (e) that Inland Revenue regulations are complied with.

Responsibilities of the Corporate Director Resources

5.2.87 To arrange the secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date. Where there is any variance from agreed Council policy or discretion is available under a nationally or locally negotiated award, the agreement of the decision-maker must be given.

- 5.2.88 To make redundancy and severance payments following certification by the Assistant Director for Human Resources and Development. Any redundancy or severance payments anticipated that are outside the scope of express statutory provisions or published Council policy must be considered by the relevant executive function of the Council with advice from the Director of Governance and the Corporate Director Resources.
- 5.2.89 To record and make arrangements for the accurate and timely payment of tax, pension and other deductions in respect of employees and members (ensuring that the records and arrangements are in line with any statutory requirements).
- 5.2.90 To decide on the most appropriate method of payment for self-employed persons (via the payroll or payments system) and to retain a record of all such persons.
- 5.2.91 To make arrangements for payment of all travel and subsistence claims or allowances for employees and members upon receiving the prescribed form, duly completed and authorised in accordance authorised signatory lists (for employees) or with the Members' Allowances Scheme.
- 5.2.92 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 5.2.93 To ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.

Responsibilities of Directors

- 5.2.94 To ensure appointments are made in accordance with Council procedures and approved establishments, grades and scale of pay, and that adequate budget provision is available.
- 5.2.95 To notify the Corporate Director Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Corporate Director Resources.
- 5.2.96 To ensure that adequate and effective systems and procedures are operated, so that:
 - (a) payments are only authorised to bona fide employees;
 - (b) payments are only made where there is a valid entitlement;
 - (c) conditions and contracts of employment are correctly applied; and
 - (d) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 5.2.97 To ensure that bonus payments made to employees are made as a result of true and complete records of work carried out by an employee, and that profit or performance related payments are only made in accordance with procedures approved by the relevant executive function of the Council.

- 5.2.98 To send an up-to-date list of the names of officers authorised to sign records (for example timesheets, expense claims, and starter and leaver forms) to the Corporate Director Resources (Payments) for use by the payroll provider, together with specimen signatures.
- 5.2.99 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status. All decisions regarding the method of paying self-employed persons, including those operating as companies, should be referred to the Director of Governance (Assistant Director for Human Resources and Development).
- 5.2.100 To certify travel and subsistence claims and other allowances on a form approved by the Corporate Director Resources, together with all relevant VAT receipts. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred after completing official journey logs and purpose of journey where appropriate, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Corporate Director Resources is informed where appropriate.
- 5.2.101 To ensure that the Corporate Director Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 5.2.102 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Policy.
- 5.2.103 To ensure that all members' claims submitted are signed by the Chief Executive or such officer as he / she shall designate within his / her department. The designated officer shall be responsible for ensuring that the journeys were made and expenses incurred in accordance with the approved list of duties and that the relevant VAT receipts are received to support claims.
- 5.2.104 To ensure that any payments made to a member of Peterborough City Council arising from Council duties, other than those mentioned in the members allowance scheme should be referred to the Chief Executive or the Corporate Director Resources for approval.
- 5.2.105 To ensure that normal certification procedures are applied to payments made to members in their personal capacity e.g. rent allowance payments as either claimant or landlord etc., subject to the normal certification procedures.

Responsibilities of Members

- 5.2.106 To submit claims for members' travel and subsistence allowances to the Chief Executive on forms agreed by the Corporate Director Resources, on a monthly basis and, in any event, within one calendar month of the year end.

Grants to external organisations

Why are these important?

5.2.107 As part of the principle of well being, the Council makes some small grants to voluntary organisations, which may be charitable, not-for-profit or community organisations. The Council also has other arrangements with voluntary sector organisations for providing services for which the Council pay them under a Service Contract (formerly a Service Level Agreement) let under Contract Regulations. It is important that the Council put in place adequate procedures to monitor the Contract to ensure that an effective and economic service is provided.

Key controls

5.2.108 The key controls for awarding grants to external organisations are: -

- (a) grants to external organisations are approved in accordance with the Council's agreed criteria;
- (b) applications are processed in a timely fashion and according to agreed practices;
- (c) there are adequate controls in place to ensure that the payments are used for the purpose intended;
- (d) procedures have been established that set out the Council's requirements for contracting with the voluntary sector.

Responsibilities of Directors

5.2.109 To ensure that all grants have been approved by the relevant Cabinet Member or delegated officer.

5.2.110 To remind external organisations of the need to use the grant for its intended purpose.

5.2.111 To ensure that where grants are made, applications are obtained from the organisation concerned to detail how the grant is to be used together with such information about the organisation's finances and other matters e.g. audited final accounts, business plans etc., as the Council may consider appropriate.

5.2.112 To ensure that organisations receiving grant aid permit access by the Corporate Director Resources to their books, records and premises to enable him to verify that the grant has been used for the purpose it was given.

5.3 TAXATION

Why is this important?

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

Responsibilities of the Corporate Director Resources

- 5.3.2 To complete all Inland Revenue returns regarding PAYE.
- 5.3.3 To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- 5.3.4 To monitor the Council's level of expenditure on VAT exempt activities, and to report on action taken or needed to remain within the 5% threshold level.
- 5.3.5 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- 5.3.6 To maintain up-to-date guidance for Council employees on taxation issues.
- 5.3.7 To ensure systems are in place to record other tax due to the Inland Revenue, and to complete the necessary returns.

Responsibilities of Directors

- 5.3.8 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.
- 5.3.9 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax registration requirements.
- 5.3.10 To ensure that all persons employed by the Council are added to the Council's payroll, and that tax is deducted from any payments, except where the individuals are employed by a recognised employment agency.
- 5.3.11 To follow the guidance on taxation issued by the Corporate Director Resources.

Key controls

- 5.3.12 The key controls for taxation are: -
- (a) budget managers are provided with relevant information and kept up to date on tax issues;
 - (b) budget managers are instructed on required record keeping;

- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- (d) records are maintained in accordance with instructions; and
- (e) returns are made to the appropriate authorities within the stipulated timescale.

5.4 TRADING ACCOUNTS AND BUSINESS UNITS

Why are these important?

- 5.4.1 Trading accounts and business units are becoming increasingly important as local authorities develop a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost, and to show them in the Statement of Accounts. They are also required to disclose the results of significant trading operations in the Best Value Performance Plan.

Responsibilities of the Corporate Director Resources

- 5.4.2 To advise on the establishment and operation of trading accounts and business units.

Responsibilities of Directors

- 5.4.3 To consult with the Corporate Director Resources where a business unit wishes to enter into a contract with an external party where that contract exceeds the remaining life of their main contract with the Council. In general, such contracts should not exceed the life of the business unit's contractual relationship with the Council, unless it can be terminated without penalty.
- 5.4.4 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- 5.4.5 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- 5.4.6 To ensure that each business unit prepares an annual business plan.

5.5 PROPERTY MATTERS

Responsibilities of the Corporate Director Resources

- 5.5.1 To ensure that in respect of commercial or residential properties, where a service charge is applicable, a separate account is maintained for all such properties, in respect of expenditure to be recovered under service charges and that interim (where appropriate) and final accounts for service charges are raised promptly and accurately.

Responsibilities of Directors

- 5.5.2 To ensure that all procedures for the letting of commercial or residential properties by the Council (including market stalls) are approved by the relevant executive function. Such procedures shall include the maintenance of up to date waiting lists, allocations based on the pre-stated approval criteria and maintenance of an up to date register of tenants.
- 5.5.3 The Corporate Director Growth & Regeneration, in conjunction with the Director of Governance, is responsible for ensuring that all notices are served at the proper times in respect of rent reviews, lease renewals, etc. for business tenancies.
- 5.5.4 To ensure that the Director of Governance has custody of all title deeds under secure arrangements agreed with the Corporate Director Resources (Internal Audit).

EXTERNAL ARRANGEMENTS

6.1 PARTNERSHIPS

Why are these important?

6.1.1 Partnerships can play a key role:

- (a) in delivering community strategies by promoting or improving well-being in the Council area;
- (b) by bringing investment and innovation for the delivery and improvement of Council Services.

6.1.2 There are many different models and types of partnerships. The Council distinguishes partnerships into:

- (c) non-commercial partnerships such as the local strategic partnership or partnerships that the Government requires the Council to set up, for example pooled budget arrangements with health partners or the Children's Fund;
- (d) commercial partnerships such as where the Council 'contracts out' services or works that need to be delivered.

6.1.3 Contract Regulations also distinguishes between two types of partnership. Non-commercial partnerships do not come within Contract Standing Orders, but any contracts the Council lets under such a partnership must comply with them. Commercial partnerships must follow Contract Standing Orders.

General

6.1.4 Some key reasons for entering into a partnership are: -

- (a) the desire to find new ways to share risk;
- (b) the ability to access new resources and to bring investment to the Council;
- (c) to provide new and better ways of delivering and improving services and innovative ways of working; and
- (d) to forge new and more flexible relationships.

6.1.5 A partner can be:

- (a) an organisation (private or public) that is undertaking, partly funding or participating as a beneficiary in a project; or
- (b) a body whose nature or status gives it a right or obligation to support the project.

- 6.1.6 In some cases a partnership may be a separate legal entity. In other cases it will simply be a number of organisations that have formally agreed to act for a common purpose.
- 6.1.7 Partners can participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or jointly with others;
 - (b) acting as a project funder or part funder; and
 - (c) being the beneficiary group of the activity undertaken in a project.
- 6.1.8 Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner;
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;
 - (c) to be open, and to work together to resolve, any conflict of interests that might arise;
 - (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
 - (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
 - (f) to act wherever possible as ambassadors for the project.
 - (g) to allocate and share risks according to which partner is best able to manage them.

Key controls

- 6.1.9 The key controls are: -
- (a) project appraisal processes are in place to assess the viability of the project in terms of achievement of strategic objectives, resources, staffing and expertise;
 - (b) mechanisms are in place to ensure that the most appropriate partner is selected;
 - (c) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
 - (d) to ensure that risk management processes are in place to identify, assess and allocate all known risks;
 - (e) ongoing monitoring of the project to ensure that stated objectives are being met;
 - (f) all members of the partnership to be aware of their responsibilities under the contract, and

- (g) regular communication with the partners throughout the project so that problems can be identified and shared to achieve a successful resolution.

Responsibilities of the Corporate Director Resources

- 6.1.10 To advise on the key elements of funding a project. They include: -
 - (a) a scheme appraisal for financial viability in both the current and future years;
 - (b) risk appraisal and management;
 - (c) resourcing, including taxation issues;
 - (d) audit, security and control requirements;
 - (e) carry-forward arrangements; and
 - (f) treatment of assets used by the partnership.
- 6.1.11 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Directors

- 6.1.12 To maintain a register of all contracts, including partnership agreements, entered into with external bodies in accordance with procedures specified by the Corporate Director Resources.
- 6.1.13 To ensure that, before entering into partnerships, a detailed business case and risk appraisal has been prepared for the Corporate Director Resources.
- 6.1.14 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
- 6.1.15 To ensure that all agreements and arrangements are properly documented.
- 6.1.16 To provide appropriate information to the Corporate Director Resources to enable a note to be entered into the Council's statement of accounts concerning material items.

6.2 EXTERNAL FUNDING

Why is this important?

- 6.2.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's Corporate Strategy.

Key controls

- 6.2.2 The key controls for external funding are: -
- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
 - (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council;
 - (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed;
 - (d) to ensure risks are identified, within acceptable limits and are capable of being managed;
 - (e) ensure monitoring and reporting frameworks are established and followed; and
 - (f) ensure adequate controls and governance arrangements are in place and are followed.

Responsibilities of the Corporate Director Resources

- 6.2.3 To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 6.2.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed.
- 6.2.5 To ensure that audit requirements are met.

6.2.6 To ensure that all claims are submitted by the due date.

Responsibilities of Directors

6.2.7 To ensure that the Corporate Director Resources is advised of all applications of external funding.

6.2.8 To give the Corporate Director Resources a copy of all approvals received from government departments or other sources of external funds.

6.2.9 To ensure that all supporting information is kept to support claims for funds.

6.2.10 To ensure that the project progresses in accordance with the agreed conditions and that all expenditure is properly incurred and recorded.

6.3 WORK FOR OTHER ORGANISATIONS

Why is this important?

- 6.3.1 Current legislation enables the Council to provide a range of services to other organisations. The provision of such services by the Council may enable a department or business unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is in accordance with the enabling legislation.

Key controls

- 6.3.2 The key controls are: -
- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Corporate Director Resources;
 - (b) to ensure that contracts are drawn up using guidance provided by the Corporate Director Resources and the Director of Governance and that the formal approvals process is adhered to; and
 - (c) to issue guidance with regard to the financial aspects of such contracts and the upkeep of the contract register.

Responsibilities of the Corporate Director Resources

- 6.3.3 To issue guidance with regard to the financial aspects of contracts with other organisations and the maintenance of the contract register.

Responsibilities of Directors

- 6.3.4 To ensure that work is only carried out for other organisations in accordance with Contract Regulations.
- 6.3.5 To maintain a register of all contracts entered into with other organisations in accordance with procedures specified by the Corporate Director Resources.
- 6.3.6 To ensure that appropriate insurance arrangements are made, after consultation with the Corporate Director Resources or his / her representative.
- 6.3.7 To ensure that proper provision is made to submit invoices, with VAT as appropriate, on a regular basis and that monitoring is undertaken by the relevant director or head of service to ensure that all income due to the Council is promptly received.
- 6.3.8 To ensure that bids are not submitted to other organisations without consulting with the Corporate Director Resources or the Director of Governance and obtaining a decision

from the relevant decision-maker if necessary. All such bids shall be drawn up so that, as far as possible, the Council will achieve full recovery of all relevant costs.

- 6.3.9 To ensure that the Council's services do not suffer as a result of resources being engaged on work for external parties.
- 6.3.10 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 6.3.11 To ensure that the department/unit has the appropriate expertise and time to undertake the contract according to its stated requirements.
- 6.3.12 To ensure that such contracts do not impact adversely upon the services provided for the Council.
- 6.3.13 To ensure that all contracts are properly documented and detailed records are maintained of all work conducted and payments made / received in a form agreed with the Corporate Director Resources.
- 6.3.14 To provide appropriate information to the Corporate Director Resources to enable a note to be entered into the statement of accounts.

GLOSSARY

Cabinet - the executive decision-maker consisting of the members of the cabinet who have been appointed under the Local Government Act 2000.

Chief Executive – the officer charged with the role of Head of the Council’s Paid Service under Section 4 of the Local Government and Housing Act 1989.

Cabinet Member – a member of the Cabinet who is responsible for making decisions in line with Section 3 of the Constitution.

Decision-maker – the Leader, the cabinet, a committee of the cabinet, an individual member of the cabinet or an individual officer so long as the Council or the Leader has delegated decision making powers.

Corporate Director Resources – the officer charged with responsibilities under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988. For the purposes of this document, where reference is made to this officer, it shall be interpreted also as including any officer delegated to act on his / her behalf.

Director of Governance – the officer with Monitoring Officer responsibilities under the Local Government and Housing Act 1989 as amended.

Executive function - a function as set out in the Local Government Act 2000.

CIPFA – Chartered Institute of Public Finance Accountants.

LASAAC – Local Authority (Scotland) Accounts Advisory Committee.

CMT – Corporate Management Team

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Members' Code of Conduct

Peterborough City Council

1. BACKGROUND

1.1. Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- (a) is a member of any committee or sub-committee of the authority; or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
- (c) For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

1.2. Purpose of the Code of Conduct

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council. It is intended to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

1.3. Principles of Public Life

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

i. **Selflessness**

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

ii. **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.

iii. **Objectivity**

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

iv. **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.

v. **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.

vi. **Honesty**

Holders of public office should be truthful.

vii. **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.

2. GENERAL PRINCIPLES & APPLICATION

2.1. General principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

5/2

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- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

2.2. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor; and
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication;
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

3. STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

3.1. GENERAL CONDUCT

3.1.1. RESPECT

As a councillor I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

3.1.2. BULLYING, HARASSMENT AND DISCRIMINATION

As a Councillor I do not:

- **Bully any person; and/or**
- **Harass any person.**

I promote equalities and do not discriminate unlawfully against any person.

The above should apply particularly at Full Council meetings.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3.1.3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

3.1.4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor I do not disclose information:

- **given to me in confidence by anyone;**
- **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
 - **I have received the consent of a person authorised to give it;**
 - **I am required by law to do so;**
 - **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - **the disclosure is:**
 - **reasonable and in the public interest; and**
 - **made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - **I have consulted the Monitoring Officer prior to its release.**

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

3.1.5. DISREPUTE

As a Councillor, I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

3.1.6. USE OF POSITION

As a Councillor, I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly. This includes complying with Peterborough City Council's Gifts and Hospitality Policy at Appendix 1.

3.1.7. I DO NOT MISUSE COUNCIL RESOURCES

I will, when using the resources of the local authority or authorising their use by others:

- **act in accordance with the local authority's requirements; and**
- **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include; office support,

stationery equipment such as phones, and computers, transport and access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

4. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- **I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor;**
- **I cooperate with any Code of Conduct investigation and/or determination;**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer. Protecting your reputation and the reputation of the local authority

5. INTERESTS

As a Councillor, I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. The following paragraph sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

5.1. Registration Requirements

You must, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office, register with your authority's monitoring officer any disclosable pecuniary interest which falls within the categories set out in *Table 1* and where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must also, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office register with your authority's monitoring officer of any other personal interests which your authority has decided should be included in the register and which fall within the categories set out in *Table 2*.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in *Table 1* below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

A **'sensitive interest'** is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

5.2. NON-PARTICIPATION IN THE CASE OF A DISCLOSABLE PECUNIARY INTEREST

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in *Table 1*, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest and you should discuss this with the Monitoring Officer.

5.3. DISCLOSURE OF OTHER REGISTERABLE INTERESTS

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

5.4. DISCLOSURE OF NON-REGISTERABLE INTERESTS

You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests, seeking the advice of the Monitoring Officer as necessary on what needs to be declared.

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects:

- (a) your own financial interest or well-being;
- (b) a financial interest or well-being of a relative or close associate; or
- (c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2, you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- (i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- (ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

5.5. SINGLE MEMBER ACTION

If you are empowered to discharge functions acting alone, and are aware that you have a disclosable pecuniary interest or other interest in any matter being dealt with, you 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 you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary Interest before the end of 28 days, beginning with the date of when you became aware of the matter

6. RELATED DOCUMENTS

The following documents also provide guidance on the standards of conduct expected of members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Council's Constitution.

1. [The Constitution & Ethics Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code](#)
2. [PCC's Planning Code of Conduct deals specifically with the Code of Conduct within the remit of the Planning and Environmental Protection Committee](#)
3. [PCC's Social Media Code for members sets out appropriate behaviour when using social media and acting, or appearing to act, in your capacity as a councillor](#)
4. [PCC's Member/Officer Protocol sets out how members and officers should work together](#)
5. PCC's Gifts and Hospitality Policy which sets out the procedures under which registration and declaration of interests, gifts and hospitality are to be made. (Appendix 1)

TABLE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You must declare an interest if:

- (a) it is your interest, or
- (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

SUBJECT	DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from PCC) made to the councillor during the previous 12-month period for for any expenses incurred by you in carrying out your duties as a councillor, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between you or your spouse/civil partner or the person with whom you are living as if you were spouses/civil partners (for a firm in which such person is a partner or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and PCC:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within PCC's area</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the PCC's area for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge):

	<p>(a) the landlord is PCC; and</p> <p>(b) the tenant is a body in which you or your spouse or civil partner or person with whom you are living as if you were spouses/civil partners is a partner or a director of or has a beneficial interest in the securities of.</p>
<p>Securities</p>	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in PCC’s area; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

“**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;

“**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;

“**M**” means a member of a relevant authority;

“**Member**” includes a co-opted member;

“**Relevant Authority**” means the authority of which M is a member;

“**Relevant Period**” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“**Relevant Person**” means M or any other person referred to in section 30(3)(b) of the Act;

- i) M’s spouse or civil partner,
- ii) A person with whom M is living as husband and wife, or
- iii) A person with whom M is living as if they were civil partners.

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

TABLE 2 – OTHER REGISTERABLE INTERESTS

You must register as an Other Registerable Interest:

- (a) any unpaid directorships;
- (b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- (c) any body:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

PETERBOROUGH CITY COUNCIL GIFTS AND HOSPITALITY POLICY

INTRODUCTION

This Policy sets out guidance for elected members, co-opted members and independent members ("Members") on the principles governing the acceptance of gifts and hospitality.

Members are likely to be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against this and any associated allegations of misconduct.

The fundamental principle of this Policy is that a Member should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties. Members are therefore strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt.

LAW AND GOVERNANCE

Legal Position

While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

Members' Code of Conduct and Constitution

The Council's Members' Code of Conduct (Part 5, Section 1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

GENERAL PRINCIPLES

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Member.
- You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- You should only accept a gift or hospitality if there is a commensurate benefit to the Council.

- The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.
- Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.
- Never accept a gift or hospitality if acceptance might be open to misinterpretation.
- The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.
- Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:
 - competitive procurement processes;
 - determinations of planning applications or planning policy;
 - funding decisions.
- Never accept a gift or hospitality that puts you under an improper obligation. Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.
- Never solicit a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

GIFTS

In general, all gifts should be refused, this includes all such offers from organisations or persons who do, or might provide work, goods or services to the Council or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).

As general guidance, the following small gifts worth under an individual value of £50 or accumulative value of £100 (from a single source) over the course of a municipal year may occasionally be accepted (provided that they do not conflict with the General Principles):

- office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception. (NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).
- gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.
- Gifts e.g. a box of chocolates or flowers of a value less than £25 provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.

HOSPITALITY

Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.

Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and might later be thought to have affected a Member's impartiality in dealing with official matters.

Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. Acceptable hospitality is that not exceeding an individual value of £50 or an accumulative value (from a single source) of £100 over the course of a municipal year such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. The decision whether to accept or not must depend on the circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.

WILLS & BEQUESTS

If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

SPONSORSHIP

Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council's usual processes.

If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

GIFTS TO THE COUNCIL

You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or

sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.

The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:

- Record the acceptance or non-acceptance;
- Record the outcome for audit purposes;
- Ensure the gift, if accepted, is properly applied for the benefit of the Council.

GIFTS TO THE CHAIR

Gifts received by the Chair in his or her official capacity are deemed to be gifts of the Council. The Chair should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

REGISTER

In order to protect your integrity and that of the Council, and to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality.

All gifts and offers of hospitality accepted by you or your partner in accordance with the General Principles should be recorded on a Member Gifts and Hospitality Declaration Form (see Appendix 1) and recorded centrally at giftsandhospitality@peterborough.gov.uk.

All declarations should be made within 28 days of receipt of offer and will be published on the Council's website

If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer's advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:

- The nature and your estimate of the market value of the gift or hospitality;
- The name of the person or company offering the gift or hospitality;
- The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
- Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
- Any special circumstances that lead you to believe that acceptance would not be improper.

The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline.

You may also make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than the maximum permissible amount. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions

WHAT DO I NEED TO DECLARE AT A MEETING?

5/17

*Issue Date: September 2022
Version Number 011*

If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.

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Peterborough City Council
Code of Conduct for
Local Authority Employees

THE EMPLOYEES CODE OF CONDUCT

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THE EMPLOYEES' CODE OF CONDUCT

INTRODUCTION

The purpose of this document is to set out detailed guidance to Peterborough City Council employees about their conduct at work and outside of it.

Failure to comply with any aspect of this code of conduct will be a breach of the contract of employment and will be dealt with, as appropriate, under the Council's disciplinary procedure.

The provisions of this code apply to all employees of the Council except those employed directly by schools, although the schools' governing bodies are recommended to adopt the principles of this policy.

BACKGROUND

The Local Government Act 2000 provided a new statutory framework to govern the conduct of members and employees of relevant authorities in England. Although this legislation does not currently impose a code of conduct for employees in authorities, it sets out the general principles of conduct and expects these standards to be observed by employees in their capacity as public servants.

The employees' code of conduct establishes a set of core principles which underpin the concept of public service and which are applicable to all employees of Peterborough City Council, regardless of whether they work full time, part time, casual or on a relief/interim basis.

The principles are:

- ❖ Honesty, Integrity, Impartiality and Objectivity.
- ❖ Accountability
- ❖ Respect of others
- ❖ Stewardship
- ❖ Personal interests
- ❖ Registration of interests
- ❖ Reporting procedures
- ❖ Openness
- ❖ Appointment of staff
- ❖ Duty of trust

THE EMPLOYEES' CODE OF CONDUCT

1. Honesty, Integrity, Impartiality and Objectivity

- 1.1 An employee must perform their duties with honesty, integrity, impartiality and objectivity.

2. Stewardship

- 2.1 An employee must –
- a) Use any public funds entrusted to or handled by them in a responsible and lawful manner; and
 - b) Not make personal use of property or facilities of the authority unless properly authorised to do so.
- 2.2 Council property, plant, materials/stores, vehicles, money and services, should only be used for the Council's purposes). Some items of equipment may be borrowed by employees for Council business provided that: -
- a) Prior approval has been obtained from the appropriate senior employee with responsibility for the allocation of such equipment; and
 - b) The equipment used provides some benefit to the Council e.g. laptop computers for training purposes/completion of official work outside of normal work hours.
- 2.3 Where such items are to be borrowed, a register should be maintained by the authorising officer detailing all approved cases and be available for inspection.
- 2.4 Employees should treat Council property and equipment with care and respect. It must be used only in a proper and safe manner and in accordance with valid instructions.
- 2.5 The copying of proprietary software programmes (those produced by a company for use under licence by a third party) is prohibited.
- 2.6 The loading of proprietary software programmes for which a licence is required but not held, is prohibited. This means that software obtained employee's personal use must not be loaded onto Council computers.
- 2.7 Intellectual property, such as data/e-mail, that is created for Council business remains the property of Peterborough City Council. Any officer wishing to share or transfer such property to an external source should seek authorisation from their manager.
- 2.8 The e-mail and internet system must not be abused. Guidance on this issue may be found in the Council's ICT Policies.

3. Personal Interests

- 3.1 An employee must not in their official or personal capacity –
- a) Allow their personal interests to conflict with the authority's requirements;
- or

- b) Use their position improperly to confer an advantage or disadvantage on any person.
- 3.2 Where an employee has a direct or indirect financial interest in a contract, proposed contract, or other matter involving the Council (within the meaning of sections 94 and 95 of the Local Government Act 1972), that employee must inform their Director in writing as soon as possible. To decide whether or not an employee has a financial interest, the employee must consider if: -
- a) He/she or a close relative is a member of a company or other body; or
 - b) He/she is a business partner, personal partner or is in the employment of a person with whom a contract has been made, is proposed to be made or in some other matter under consideration by the Council.
- 3.3 If any of the above apply, it shall not be appropriate for the employee to be involved in that particular issue, which includes the processing of applications made to the Council. (N.B. Close relatives include grandparents, parents, brothers, sisters, children, grandchildren and in-laws. If in doubt, declare the interest.)
- 3.4 Where an employee has a non-financial interest in a contract, proposed contract, or other matter involving the Council, the employee shall inform their Director of this in writing as soon as possible. This may not necessarily mean that the employee cannot be involved in the particular matter under consideration. However, it is the responsibility of the Director to make the decision and to notify the employee accordingly.
- 3.5 Undertake additional work without gaining permission. Any employee intending to undertake additional paid or unpaid employment(s), service or business interests must declare these to their Director/head of service in writing in advance, for permission to proceed. Permission to undertake additional work (whether paid, unpaid or fee-earning) will be granted where the work does not involve the preparation/completion or assistance with the following items dealt with by Peterborough City Council: -
- a) Plans;
 - b) Drawings; and
 - c) Applications for:-
 - *Grants (renovation/improvement grants etc.)*
 - *Benefits (rent rebates, council tax, housing benefits)*
 - *Planning/building control*
 - *Housing waiting lists/homeless*
 - *Licences*
 - *Job application forms*
 - *Tender documents for PCC contracts.*
- 3.6 Permission to undertake additional work will not normally be granted where: -
- a) It is to be undertaken for a Contractor used by the Council. (Exceptions may be subject to conditions and will be subject to written approval by the relevant Director in conjunction with the Chief Internal Auditor);
 - b) Private work is to be undertaken for members of the public who are clients of the employee during the course of their normal Council duties;

- c) It is for work for which the Council may be competing; and
- d) The total work time involved could result in the provision of the Working Time Regulations being breached.

In other circumstances, permission will not be unreasonably withheld.

- 3.7 An employee who considers that their employer has failed to allow them to undertake additional work may seek redress through the internal grievance process. They may choose to lodge a complaint at an employment tribunal. The complaint to a tribunal must be made within three months of the date when the alleged refusal occurred.
- 3.8 Employees shall declare to their Director in writing membership of any organisation which is not open to the general public and which has secrecy about rules or membership or conduct. The purpose of this provision is to prevent any conflicts of loyalty arising where such membership exists.
- 3.9 Employees must fulfil their legal obligation when in receipt of Council Administered Benefits.
- 3.10 Employees in receipt of any allowances or rebates administered by the Council (e.g. rent allowances or council tax rebates.) must notify the appropriate department promptly, in writing, of any change in circumstance that may affect entitlement. To deliberately fail to notify any material change of circumstance that results in overpayments being made may be deemed a fraudulent act against the employer. (This may be a criminal act for which a prosecution can be brought under the terms of the appropriate legislation and/or a breach of the Council's disciplinary policy and procedure).
- 3.11 Employees should not be involved in a work relationship where their partner is their line manager or *vice versa*.
- 3.12 If an employee has a close personal relationship at work and evidence exists that their personal relationship causes or appears to cause a problem it may be necessary to relocate one or both employees to avoid further problems.
- 3.13 The council defines a close personal relationship as one between employees who work together in the same unit or section and who are:
 - a) married;
 - b) co-habiting;
 - c) dating;
 - c) immediate family members; and
 - d) any other individuals regarded as having a familiar or close personal relationship
- 3.14 It is an employee's responsibility to ensure that their relationship does not affect their work or the work of the section/unit. It is a manager's responsibility to work with individuals to ensure that any problems arising from a close personal relationship are resolved, including relocating employees to avoid problems.

- 3.15 Employees who do have a close personal relationship must advise their Director (or other Senior Manager) of their circumstances. The Director (or Senior Manager) will then decide whether to instigate a move of one or both employees. If a Director agrees that both employees can remain in the same unit, the situation should be reviewed by line management on a regular basis to ensure the situation does not affect the day to day business of the council.
- 3.16 If an employee refuses to comply with the Director or line manager's instructions, there may be occasions where the Council has no option but to consider issuing a formal notice of the move, and in limited circumstances, invoking the disciplinary procedure.
- 3.17 Members and officers need open working relationships, but should treat close personal familiarity with caution. Difficulties could arise in terms of conflicts of interest, inadvertently passing on confidential information or a perception of influence or favouritism.

4. Accountability

- 4.1 Assistance with Applications: Employees may only assist others in the completion of application forms to be submitted to the Council in the following circumstances: -
 - a) When assistance is provided as part of an employee's official duties, especially when the employee completes the application form. Such assistance should be clearly indicated on the form by the inclusion of the name and post title of the employee concerned. However, this is not necessary in cases where only general advice is given;
 - b) When assistance is provided to a friend, relative or partner, in which case it should be clearly shown on the form that assistance has been given by adding his/her own name, post title and signature to the document, as well as that of the applicant.
- 4.2 Failure to adhere to this requirement may be considered a breach of the Council's Disciplinary Policy and Procedures.

5. Openness

- 5.1 An employee must –
 - a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled to by law.
- 5.2 An employee shall only disclose confidential/personal information obtained in the course of employment to authorised persons. This shall only be for the purpose of Council business, as instructed by a senior member of staff or as may be required by law. Such information must not be used for personal advantage or for the advantage of any other persons/organisations, including partners, friends and relations.

- 5.3 Public committee reports and background papers are to be provided to the public on request in so far as is required under the Local Government Access to Information Act 1985.
- 5.4 All employees who are under suspension without prejudice from the Council's employment are entitled to receive the same general information about Council activities, vacancies etc. as other employees but all communication should be channelled *via* the officially nominated contact.

6. Registration of Interests

- 6.1 An employee must comply with any requirements of the authority –
- a) to register or declare interests; and
 - b) to declare hospitality, benefits or gifts received as a consequence of his employment.
- 6.2 An employee of the Council shall not, in connection with their office or employment, accept any fee or reward whatsoever other than their proper pay and benefits, with the exception of the items detailed below. This restriction is required by law (section 117 of the Local Government Act 1972).
- 6.3 Gifts or prizes offered to an employee, or their family, as a result of their employment must be declined unless the gift is of the type referred to below and is also of small value. Gifts may only be accepted if to refuse would cause offence.
- a) Advertising paraphernalia;
 - b) Stationery etc;
 - c) Token gifts received during official courtesy visits; and
 - d) Christmas gifts in kind, (e.g. a mince pie).
- 6.4 Cash should not be accepted under any circumstances.
- 6.5 All gifts received with a value exceeding £25 shall be recorded in the prescribed manner and in accordance with the Council's Gifts and Hospitality procedure (attached as Appendix A to this Code). All gifts other than those detailed above should be returned if possible, or otherwise deposited with the Director/Head of Service for proper disposal e.g. to charity.
- 6.6 Employees must not use their position as an employee of the Council to obtain the benefit of discount from other companies/organisations other than those negotiated for the benefit of all employees. Therefore, any discount offered to an employee in their personal capacity in excess of those generally available to members of the public must be declined.
- 6.7 Hospitality shall be accepted only where it is given in the proper course of Council business. Even in these circumstances it should not exceed a level beyond which the Council can reasonably reciprocate.

- 6.8 Hospitality shall usually only be received or given within the employee's normal working hours. Any exception shall only be made with the prior authorisation of the appropriate Director/Head of Service.
- 6.9 Annual Conferences are national events at which it is reasonable for employees to accept offers up to the level of an evening meal per delegate from any individual/company.
- 6.10 Frequent or regular hospitality, provided or received, is unacceptable even if it is of a relatively modest level.
- 6.11 All hospitality received shall be recorded in the prescribed manner except for tea/biscuits etc.). All such records shall be retained for inspection by Director/Heads of Service and Auditors.

7. Reporting Procedures

- 7.1 It is the duty of all employees to report any suspected irregularity/fraud by any individual to their Director, the Chief Executive or the Investigations Team as soon as possible. All employees involved shall regard such information as confidential. (Further guidance on this subject may be found in the Council policy on Whistle blowing.)
- 7.2 Employees must also notify the appropriate department promptly if they have any reason to suspect that a member of the public is claiming Council administered benefits fraudulently, regardless of the circumstances as to how this information is obtained.

8. Respect for Others

- 8.1 An employee must –
 - a) Treat others with respect;
 - b) Not discriminate unlawfully against any person.
- 8.2 Employees must treat all persons with whom they have contact in the course of their employment in a respectful and fair manner, and have particular regard to Council policies such as Equal Opportunities, Health and Safety, Harassment and Bullying etc.

9. Appointment of Staff

- 9.1 An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.
 - a) Relative means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons;
 - b) Partner means a member of a couple who live together or enjoy a personal relationship; and

- c) Friendship connotes a relationship going beyond regular contact with colleagues in the course of employment. Social contact is likely to be a stronger indicator of friendship but not necessarily the only one.

10. Duty of Trust

10.1 An employee must at all time act in accordance with the trust that the public is entitled to place in them.

10.2 Any employee who is not clear about the application of this code in relation to particular circumstances should seek guidance from their line manager or their departmental HR Advisor.

10.3 Employees, whose work relies upon them fostering close relationships with members of the public, should adhere to the following guidelines, to ensure that all contact is conducted on a professional basis. (Such employees would include those working within a care establishment, and could also include employees who visit the public in their homes, etc.)

- a) Personal financial transactions between employees and clients; and
- b) Gifts - the spirit of the corporate policy on the acceptance of gifts detailed in section 6 of this Code and the Council's Gifts and Hospitality procedure must be adhered to at all times if gifts are offered as a token of client appreciation.

10.4 Buying/Selling of Goods/Services

Employees must not: -

- a) buy anything from a client;
- b) sell anything to a client;
- c) buy anything on behalf of clients, either with or without commission (Shopping for those unable to do so for themselves is permitted providing that this could reasonably be expected within the scope of the employee's work and that there is no personal gain e.g. supermarket shopping reward points earned on client purchases must not be credited to the employee's account etc);
- d) sell anything on behalf of clients, either with or without commission;
- e) act on behalf of a third party to buy anything from a client; and
- f) act on behalf of a third party to sell anything to a client e.g. *via* mail order agencies etc.

10.5 Lending/Borrowing of Money or Other Valuables

Employees must not engage in personal financial transactions with, or on behalf of, clients. This means that the lending or borrowing of money and/or any other valuable assets to or from clients is prohibited.

10.6 Wills

- a) Employees must not witness or be an executor of a client's will and no employee should knowingly accept money or property bequeathed in a client's will. Any such benefits must be returned to the estate of the

deceased, although bequests to Peterborough City Council are permitted.

10.7 Obtaining Benefits for Others

- a) Employees must not seek to obtain benefits from clients on behalf of close relatives or knowingly allow this to happen. This would include gifts/bequests/loans etc., that the employee would not be able to accept under the terms of the Code of Conduct being transferred to one of his/her family members to circumvent the Code.
- b) Personal Relationships with Clients

10.8 Close personal relationships with clients are prohibited. Clients may be from vulnerable groups in society (e.g. by age, disability, mental health etc.) and the correct balance between friendly interest and the professional relationship must be maintained at all times, to ensure that clients are not exploited. If a problem arises from a client misinterpreting friendly interest as evidence of a deeper, more personal relationship developing, the employee must immediately report the matter to the appropriate line manager for advice on the way to proceed.

PETERBOROUGH CITY COUNCIL

GIFTS AND HOSPITALITY POLICY

INTRODUCTION

1. This policy sets out guidance for employees on the principles governing the acceptance of gifts and hospitality.
2. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against allegations of misconduct. The fundamental principle of this policy is that an employee should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties.

The council expects all employees to comply with this policy. Failure to do so may result in action under the staff disciplinary procedure and could lead to dismissal.

GIFTS

3. In general, all gifts should be refused. However, in cases where refusal is likely to offend the donor, some discretion may be exercised. The offer of a gift or hospitality should be reported *via* e-mail to line managers. The line manager will consider the nature, value and origin of the gift and whether it should be refused, accepted or donated to charity. The line manager will then register the offer by sending the form to giftsandhospitality@peterborough.gov.uk. Those individuals who do not have access to an e-mail account should complete a copy of the form contained within this policy and send it to their line manager the form will then be forwarded to the Fraud and Investigations Manager.
4. However, employees may accept occasional seasonal gifts of low value such as calendars, diaries and pens. It is not necessary to ascertain the exact value of such gifts but anything that appears to be worth more than £25 should not be accepted. Careful judgement must be exercised in such cases.
5. It is important to note that if several gifts, with a value of £25 or less are received from the same donor, within a period of 12-months, then these should be recorded when the accumulative value exceeds £25.

HOSPITALITY

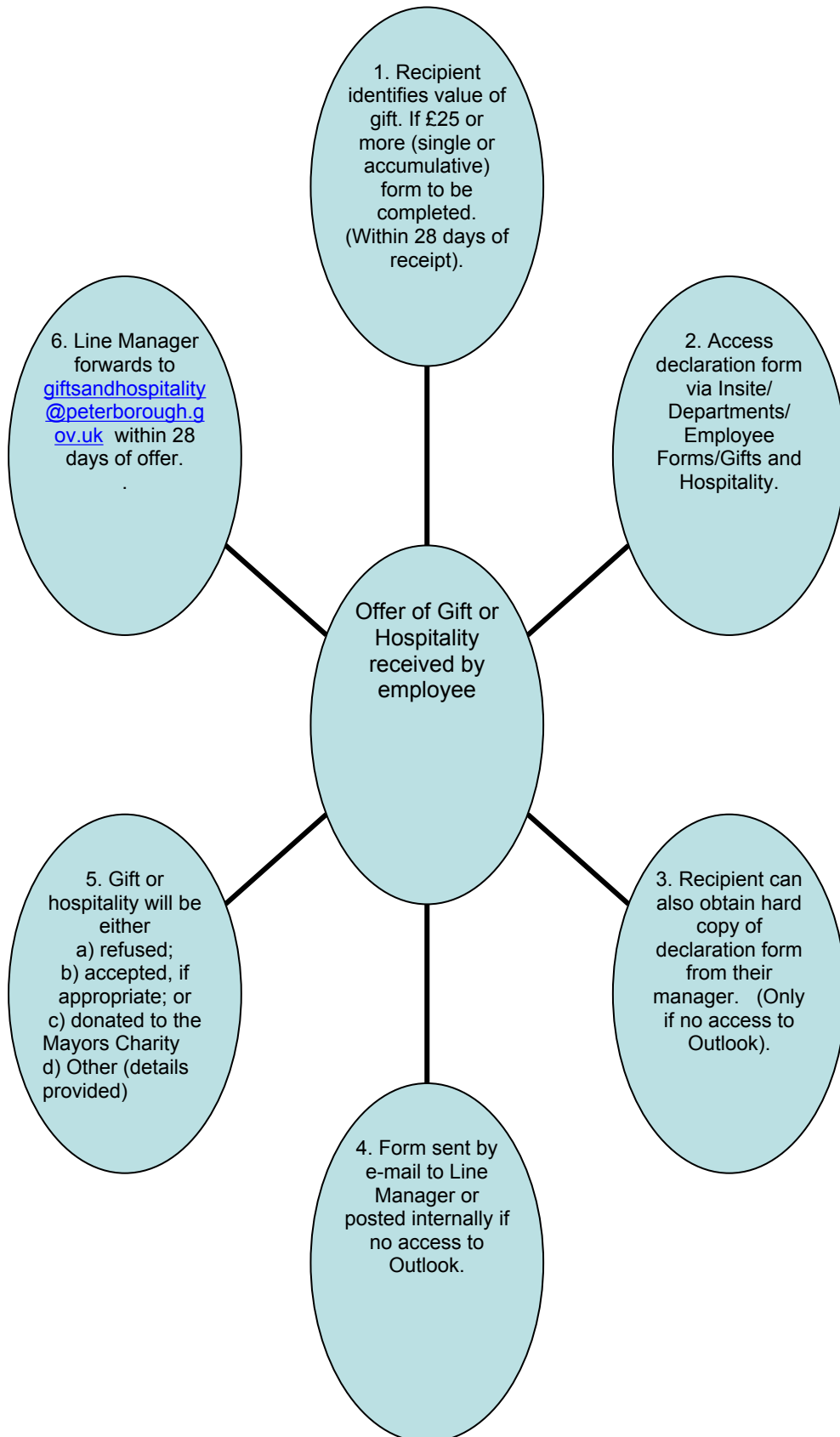
6. Working lunches on a modest scale, and on an occasional basis, are a part of normal business practice and members and employees do not require formal approval to attend them. However, if individuals receive a prior invitation to a more formal lunch or dinner or regular working lunches, they must seek approval using the form contained within this policy. It is important that approval is sought as early as possible.
7. As is the case with gifts, the refusal of an invitation may sometimes cause embarrassment or appear discourteous and this will be taken into account when a decision is made. Consideration will also be taken regarding the timing of an invitation in relation to decisions, which the council may be taking affecting those offering the hospitality. Invitations to other events such as launches, conferences, arts or sporting events etc. should be dealt with in the same way.
8. Invitations to attend all-expenses paid study tours, site inspections or product demonstrations should always be the subject of prior approval, particularly if overseas travel is involved.

REGISTER

9. In order to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality. All gifts (except gifts of low value) and offers of hospitality (except to modest working lunches) should be recorded on a gifts and hospitality declaration form and recorded centrally at giftsandhospitality@peterborough.gov.uk. This applies whether they have been accepted or refused.
11. All declarations should be made within 28 days of receipt of offer.
12. The central register will be inspected and reviewed regularly by the Fraud and Investigations Manager and findings/recommendations notified to Senior Management groups and Committees as appropriate.

**PETERBOROUGH CITY COUNCIL
GIFTS AND HOSPITALITY RECORD FORM**

Name:	
Department/Section/Team:	
Date:	
Nature of gift or hospitality offered (including date on which hospitality was/is to take place).	
Person and/or organisation who offered the gift or hospitality.	
What was the purpose of the offer?	
Is the donor dealing with you or the council in relation to any legal, statutory or enforcement matters, such as planning applications? If so, please give details:	
Estimated value of gift and/or hospitality?	
If the gift/hospitality has already been declined, please provide date and method of refusal:	
Send form to Line Manager for approval.	
Recommended action: a) Accept? (Please provide reason why). b) Accept and donate to Mayor's Charity. c) Refuse – (Please provide reason why). d) Other action: (Please provide details).	
Line Manager's Name:	
Date:	
Send to: giftsandhospitality@peterborough.gov.uk within 28 days of the offer being received.	



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Peterborough City Council

Member / Officer Protocol

This document describes how city Councillors and employees should work together. Mutual respect and goodwill are important underlying themes.

The protocols apply to city councillors, employees and co-opted members of council committees. They recognise the contribution of politics and political groups, and complement other constitutional requirements such as Standing Orders, the Delegations Document and the Member and Officer Codes of Conduct.

There is a separate protocols relating to *civic activity* and guidance provided on *media/pre-election publicity activity*.

1. USE OF TITLES IN CONSTITUTIONAL DOCUMENTS

<i>Chairman and vice-chairman</i>	The person chairing a meeting, and their deputy, whether male or female. The councillor holding office may choose their version of the title (eg. chairwoman or chair). Each chairman's choice of title should be respected.
<i>Mayor and Deputy Mayor</i>	The Mayor presides over meetings of Full Council as the chairman, supported by the Deputy Mayor in the position of vice-chairman. Further details in the Civic Protocol.
<i>Members</i>	Councillors. The naming convention for councillors is 'Councillor' followed immediately by surname. Some councillors insert an additional title such as 'Mrs' or 'Dr' before their surname. Members have discretion as to how they wish to be addressed.
<i>Officers</i>	Council employees.
<i>The Executive</i>	The cabinet members, supported by officers. They deliver the Council's services, and make any decisions necessary within the Council's approved budget and major policy framework.
<i>Cabinet members</i>	Up to 9 councillors appointed annually by the Leader of the Council, plus the Leader. Each makes decisions about their own service area.
<i>The Cabinet</i>	The cabinet members meeting to discuss and make decisions collectively.
<i>The Leader of the Council</i>	The leading councillor and the Cabinet's chairman. <u>Appointed every four years by Council.</u>
<i>A political group</i>	Most councillors, soon after election, sign up to a political grouping which may, but does not need to, bear the same name as a recognised political party. Each political group appoints a ' <i>leader</i> ' and a ' <i>group secretary</i> '. They may also appoint a ' <i>deputy leader</i> ' and make any other appointments which the group feels will help it conduct its affairs.
<i>A Shadow Cabinet</i>	A Shadow Cabinet may be formed by the second largest group by their nomination from amongst their Members of the Council and they shall notify the Council and the Chief Executive of the names of the Members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time. Members will mirror those of the Cabinet, save that a single Member may cover more than one portfolio. A protocol on their role is attached at Appendix 1
<i>The Administration</i>	The political group with the most seats is generally known as the Council's Administration, although sometimes a coalition of groups may collectively take on this role. Administration members usually form the Executive and are normally the chairmen for many or all committees.
<i>Group representatives</i>	Councillors identified by their political group to act as their main point of contact, for information or consultation, in relation to a particular subject and/or committee.

<i>(Corporate/Executive) Directors</i>	Members of the Corporate Management Team. First-tier officers responsible for a directorate; references to them in this protocol should also be taken to include the Chief Executive.
<i>Service Directors</i>	Report to a Member of the Corporate Management Team. Responsible for departments within a directorate. These roles are usually second tier officers.
<i>Assistant Directors/Heads of Service</i>	<p>Officers responsible for a division within a department;</p> <p>An AD has broad responsibility for a range of services and/or provides a service that impacts on the whole organisation</p> <p>A Head of Service is responsible for a narrower service or range of services that is relatively self sufficient and has no or limited impact on the whole organisation.</p> <p>References in these protocols to heads of service and assistant directors include any other second or third tier officers acting in a senior management role.</p>

2. COUNCILLOR STRUCTURES

Each part of the Council's decision-making structure gets its authority from the law and the Council's Constitution. For more detail see the Delegations Document, Standing Orders and Procedural Rules. A summary of roles is:

The Council	All councillors collectively consider issues affecting Peterborough, and decide the major policy framework and the budget.
Ward members	Each councillor has a leading role and voice in their community, representing their constituents the Council and other public service agencies, and vice-versa.
The Executive	<p>Within the major policy framework and budget:</p> <ul style="list-style-type: none"> ● provides public services, whether directly or through partnerships or contracts; ● enforces regulations*; ● decides local policies for service delivery and enforcement; ● gives community leadership, a 'voice' for Peterborough. <p>(*Some enforcement matters are governed by regulatory committees instead of the Executive.)</p>
Overview and scrutiny committees	Contribute to policy development and review. Hold the Executive to account through scrutiny and challenge.
Regulatory committees	Decide quasi-judicial matters that are excluded by law from the Executive's remit (such as planning applications).
Officers	Provide services and carry out enforcement in accordance with the law and the Council's policies, using their delegated authority.

3. DECISION-MAKING PROTOCOLS

3.1 **The principles** of good decision-making are set out in Article 12 of the Constitution.

3.2 **Professional advice** should be taken before making a decision, including:

- relevant policy framework or previous decisions;
- who has been consulted and relevant outcomes;
- legal, financial/resource, equalities, community safety, human rights, etc implications;
- alternative options.

3.3 **Administration policy** The Executive is not bound by previous Administrations. When the Executive wishes to make a decision contrary to past practice, officers will advise:

- is the practice mandatory or discretionary?
- does current practice derive from a policy statement or precedent/an earlier decision?
- was it decided by the current or a previous Administration?

3.4 **Cabinet business:**

- A **timetable** of meetings is agreed in Council's annual schedule but the Leader of the Council may add, vary or cancel meetings to provide efficient conduct of business. He or she will try to determine an arrangement that suits most Cabinet members.
- Cabinet meetings deal mainly with cross-cutting, strategic issues. Democratic Services Officers, in consultation with the Leader of the Council and Chief Executive, draw up the **agenda** taking into account the Forward Plan, other items referred by Cabinet Members and referrals from directors and committees. Any member who wants to put an item to Cabinet should contact Democratic Services who will liaise with the Leader of the Council and the member about how it should be placed on the agenda and whether the Leader agrees to include it.
- When a **committee reports** to the Executive the Leader of the Council may, for example, require preliminary consideration by the relevant cabinet member. This does not remove the committee's right to refer a matter to the Cabinet without modification. The committee chairman or other representative(s) may attend to hear the debate and Cabinet's chairman may invite them to explain the recommendations briefly to Cabinet.
- Officers will **brief each cabinet member** about any proposals relating to their service before the meeting. Their recommendations will be reflected within the relevant report.
- **Ward councillors** should be consulted about matters specific to their ward. Comments submitted by them are included in the Cabinet report or tabled at the meeting. If they attend, the chairman may ask them to put their views briefly to the Cabinet meeting.
- **Corporate Directors** usually attend all meetings. Other officers may attend for specific reports.
- The Leader of the Council may request a **chairman's briefing** before the meeting, generally provided by the Chief Executive or another director.
- With the Leader's agreement, an **informal Cabinet briefing** may discuss strategic issues faced by the Council. No decisions will be made at such briefings.

3.5 **Cabinet member business:**

- Individual members take **decisions** following briefings with directors/departmental management teams, or at any other time provided that appropriate notice of any 'key decision' has been given and that Democratic Services officers are informed.

- Senior managers and cabinet members will build up **regular contact** to keep each other informed about developments, especially issues which may be sensitive or contentious. Briefings can be conducted in a variety of ways, the method being agreed between the member and officer to suit the subject matter and time constraints. There should be regular meetings to discuss strategic issues.
- Members should **brief officers** about their work in partnership or regional meetings, discussions held with outside organisations and constituents, conferences attended and any relevant training received.
- Officers should **brief members**, to help them prepare for meetings and discussions.
- Where it is unclear which **cabinet member to brief** about an issue, Democratic Services officers will ask the Leader of the Council to highlight the appropriate member(s).
- The **Leader** of the Council will meet the Chief Executive and Democratic Services officers Team regularly.
- **Other cabinet members** may meet the Chief Executive or Democratic Services Officers as appropriate to discuss executive business.
- The Leader or other cabinet member may ask the relevant director to arrange a joint **briefing with group representatives**, particularly when developing proposals.

3.6 Overview and scrutiny protocols:

- The Democratic Services Team maintains a **work programme** for each committee / including issues identified by the committee for scrutiny or review, items on the Forward Plan likely to require consideration, requests from the Executive for policy development work, and items referred by Members or directors.
- An informal **bi-annual co-ordination meeting** of scrutiny chairmen is convened by the Democratic Services Team. It may include briefing and training.
- The **agenda** for each committee meeting is prepared by the Democratic Services Team from the work programme, mostly in conjunction with the group representatives. Any Executive or director's referral will usually be reported to the next ordinary meeting but the chairman and group representatives may agree to postpone it if they believe that the next meeting's agenda is already fully committed.
- Any individual **member referral** will be reported to the next ordinary meeting unless the member agrees to defer (for example, the group representatives may believe that the agenda is already full or the matter could be dealt with better another way).
- **Group representatives' meetings** are convened and supported by the Democratic Services Team for all Scrutiny committees, in a regular cycle or when needed. They deal with agenda planning, adding/changing meeting dates, agreeing (where timescales are short) the final wording of a recommendation/report, and any other matters referred to them by the committee. Other relevant officers may attend.
- **Scrutiny** aims to identify improvement and will be conducted constructively and courteously, so that anyone being questioned can make a positive contribution. When **questioning** officers the committee should, as far as possible, confine itself to questions of fact and explanation, such as what policies are in force, the extent to which objectives are met and how services are being delivered. Officers may be asked to explain and justify their own decisions. Questions about the Executive's conclusions and political choices should be directed to the relevant Cabinet Member.

- A guideline process for **reviews** will be maintained by the Democratic Services Team and promoted in training sessions for officers and members. The review scope, objectives and timetable should be set realistically, with regard to organisational capacity (member and officer) to sustain the likely workload. Agreed reviews will be supported by the Democratic Services Team, a lead officer from the relevant service and any necessary corporate support services (financial, human resources, policy, etc).
- The Democratic Services Team can advise upon avenues of enquiry and help to identify useful contributors to **research**. Other officers will provide support and briefings as necessary. If the Democratic Services Team or any other officer feels that an individual member request cannot be met without diverting time from priority work, they may through their director or head of service indicate to the requesting member that the research cannot be completed at present.
- It can arise that an activity is proposed where the director believes there is insufficient resource available. For example, there may be a **conflict of priorities**, or there may be no budget to carry out a survey or to commission an independent expert. In such cases the director should explain the situation to the committee or member. If priorities cannot be agreed, they should refer to the relevant cabinet member for guidance. If there is an **irreconcilable difference** between a committee or member's wishes and the relevant cabinet member's advice, this should be referred by the director to the Leader of the Council and Chief Executive for discussion.
- Members and officers participating must have **prior training** in scrutiny procedures and comply with the relevant legislation, codes of conduct and constitutional rules.

3.7 Regulatory committee business:

- Democratic Services officers may prepare **agenda plans**, and an agenda planning meeting for the chairman and group representatives if requested by the chairman. The date should suit the majority of participants. Directors will summarise each potential issue for report, to help the representatives consider its appropriateness and request any relevant information.
- The agenda will try to ensure an appropriate **length of meeting**, so that members can retain concentration for dealing with complex applications and evidence, and to minimise the risk of participants and observers being kept waiting for items for unreasonably long periods. The agenda may therefore include specific timings within it.
- These committees often deal with matters involving consideration of applications and evidence. Members and officers participating must have **prior training** in and comply with the relevant legislation, codes of conduct and constitutional rules.
- When determining an application or appeal, the **procedure** will allow speakers for and against to hear the arguments put by others, all questions put and the answers given. Committee members should avoid suggesting any pre-formed opinion, bias or lack of openness and even-handedness during the sitting. Any member voting upon the case should not vote if they have been unable to hear all of the discussion about the item.
- **Site visits** required for planning applications will be arranged by officers, and members should not visit the sites unaccompanied on other occasions. Further details are included within the Planning Code of Conduct. If a member believes any other committee site inspection or visit should be arranged it would need to be approved by the relevant committee, taking account of budgetary provision for any related expenses.

3.8 Motions Submitted to Full Council:

- Prior to the submission of any topical motions, Members are encouraged to liaise with the relevant services area with a view to submitting their motion in a form that is the most acceptable.
- Following the receipt of motions, Democratic Services Officers will liaise with the relevant service officers to ensure that all motions meet the necessary criteria as set out in the Council's Standing Orders.
- Officers within the relevant service areas are expected to respond to requests in relation to motions from Members and from officer with due priority, in order to ensure that submission deadlines are met.

4. OPEN GOVERNMENT

The City Council believes in open government and makes its decisions in public wherever possible. In particular:

The Forward Plan	A timetable of all key decisions and some non-key decisions coming up in the next four months is published on the website and e-mailed to local media and other people upon request.
Council, Cabinet and committee meetings	<ul style="list-style-type: none"> • Agenda, reports and minutes published on the web and can be inspected at the Council's Town Hall. • Public seating available at meetings. The press and public are only excluded when the topics discussed are defined in law as confidential or exempt. • Public speaking is possible, within written guidelines, at Council and Planning & Environmental Protection Committee meetings. • At all public meetings visitors may observe but not participate. The chairman has discretion to allow non-committee members to speak, if it would help the meeting, but not join in the debate. • Microphones are used for all public meetings. All public meetings may be recorded and may be published on the Council's website. Verbatim notes of meetings are not compiled or published. A copy of a recording may be provided, within reason, upon request about a specific issue.
Cabinet member decisions	Every decision is published within two working days on the web and e-mailed to local media and others upon request. The decision record includes the reason for the decision and other options that were rejected.
Officer decisions and freedom of Information	Officers make many decisions, the majority of which are minor operational matters. When they make decisions of substance a file note is kept. Under freedom of information law, most Council documentation is opening to public inspection. The Council's scheme of documents open to the public is available on the web.

5. CONFIDENTIALITY

5.1 Personal data and exempt/confidential information:

- Councillors need information, explanation and advice to help them discharge their role. This may entitle them to information otherwise unavailable due to data protection restrictions (ie. personal data) and local government's access to information rules (ie. 'exempt' information). The Constitution's Access to Information Procedure Rules describe when a member may have a '**need to know**'. The Code of Conduct requires members to use any Council information properly, particularly confidential information.
- Officers may ask a member to explain their need to know information in accordance with the procedural rules. The **personal data flowchart** below also provides summary guidance. Advice can be sought from the relevant director or the Monitoring Officer, if anyone is not sure what can be released to whom, and how it can be used.
- When a meeting considers an **exempt report**, all members and officers without direct involvement with the report (except directors, heads of service, the lawyer and the democratic services officers) must leave. Only directors may access exempt or confidential reports that do not relate directly to their service area. Other requests for such information should be referred to the relevant director and, if not resolved, to the Monitoring Officer.

5.2 Confidentiality in briefings:

- Information **initiated** and volunteered by officers to members should be given to all political groups equally.
- Information given **in answer** to specific member requests will not usually be shared with other members, unless the enquirer agrees. On occasions when an officer believes that information given to one member or political group should be shared with others, the officer will tell the requesting member or political group beforehand.
- Officers should not reveal their discussions with one member to another, including the relevant cabinet member, unless they have told the enquirer beforehand that they would and have received consent from the member.
- Members should recognise that they may be involved in the early stages of a project or developing ideas, when it would be unhelpful for the matter to be discussed in public. If confidentiality has been requested, this should be respected.

5.3 E-mail and letter confidentiality:

- Member's *peterborough.gov.uk* e-mail account or calendar may not be routed automatically to a private e-mail account or calendar.
- Officers who receive an e-mail or letter from a member should generally not forward this to colleagues or other members without first checking with the originator that this is permissible. If the permission is not given, then a new e-mail may be created which contains a summary of the original information. The reason for this is: firstly, the originator may not wish the content of the e-mail or letter to go further; secondly, they may not wish their originating e-mail address to be publicised.

DISCLOSING PERSONAL INFORMATION TO ELECTED MEMBERS

Request for personal information from an Elected Member.
Establish in what capacity the Member is requesting the information:

As a representative of a political party

When carrying out work on behalf of the City Council

As a representative of a citizen

DO NOT RELEASE
Unless PCC is required to make information public or the information is depersonalised before release

Is the disclosure necessary for the performance of official duties?

Does the citizen live in the Member's ward?

Has the Member provided the data subject's written consent to be kept on file?

NO

NO

YES

YES

YES

RELEASE
With approval of Head of Section
Only give as much information as needed for the purpose. Information to be returned to Section Head. Form, available on Public Folders under Data Protection, to be kept on file

Does the information contain sensitive personal information? (See DP Staff Guidelines)

RELEASE
With approval of Head of Section
Only give as much information as needed for the purpose. Information to be returned to Section Head. Form, available on Public Folders under Data Protection, to be kept on file

NO

DO NOT RELEASE

YES

NO

NOTE: The Council, Individual Members or employees can be prosecuted or sued for the disclosure of information about citizens without their consent.

Has the Member provided the data subject's written consent to be kept on file?

RELEASE
With approval of Head of Section
Only give as much information as needed for the purpose. Information to be returned to Section Head. Form, available on Public Folders under Data Protection, to be kept on file

NO

YES

DO NOT RELEASE

6. ACCESS TO PREMISES

- 6.1 Officers may enter Council land and premises to carry out their work. Some officers are authorised by legislation and the Delegations Document to enter land and premises owned by other people or organisations.
- 6.2 Councillors have common law rights of access to Council land and premises to enable them to carry out their duties as a councillor, such as to attend a meeting they have been invited to. If a member wants access in other circumstances they should make arrangements in advance with the appropriate director or the manager of the premises.
- 6.3 **Insurance** The Council has personal accident cover for members who are injured while carrying out their official duties as a councillor, and public liability cover against claims by a third party against a member while the latter is undertaking official duties. However, a member visiting Council premises outside the scope of official duties is only covered by the public liability policy as a member of the public. Thus, to claim, it would be necessary to prove that the accident/injury arose due to negligence of the Council or its officers.
- 6.4 **Building work** At sites where building work is in process, the contract conditions in force will specify that the site is in possession of the contractor and only certain officers (eg the supervisor) have right of entry. Anyone else must make contact with the contractor (through the relevant director or head of service) before going on site.
- 6.5 **Planning application sites** If Members want to inspect a planning application site, members should make arrangements with the relevant planning officer who has statutory rights under Town & Country Planning law to enter the site. There are various situations where an occupier may be liable for injury sustained by someone on his or her premises, but the liability is reduced if the person was not invited by the owner so could be termed a trespasser.

7. WORKING WITH GROUP REPRESENTATIVES

- 7.1 A group representative is usually appointed for each committee from each political group. The chairman is automatically their group's representative. Groups may organise their group representation in other ways. If the designated representative is not clear, officers should ask the group leader or secretary who to contact. For cross-cutting/corporate issues, officers will usually inform and consult group leaders, unless they are asked to do otherwise by the group.
- 7.2 Directors and heads of service should brief each group representative for the committees that fall within their service area following a request from group representation or any significant development or change within the service. Where there is a vice-chairman relevant to the service area, they should also be kept informed, particularly if they are likely to cover for the chairman at a meeting. Confidentiality should be respected.
- 7.3 Formal group representatives' meetings relating to scrutiny committees are usually arranged by Democratic Services. There should be regular briefings between group representatives and relevant senior managers, whether jointly or separately. They may include the cabinet member. The method chosen should be agreed between the director and representatives, to suit the subject matter and time and other constraints of all parties concerned.

8. SUPPORT FOR THE WARD MEMBER ROLE

All members play an important role in their ward, providing community leadership at local level and acting as advocates for their constituents. Officers should be open and supportive, providing information and briefings both upon request and through the officer's initiative.

Ward members are entitled to:

- Briefing about local issues to help them represent the Council to the community and vice-versa.
- Find out about new issues from the Council first, not the media or other local sources.
- Help and advice about their ward. If their request cannot be met, they should be told why and the officer should suggest an alternative approach to meet their aims where possible.
- Notice of any Council consultative exercise that affects their ward, with an opportunity to submit views in time to have an influence, and also to be informed of local responses.
- Notice of public meetings arranged by the Council affecting their ward.
- Draft reports or decision notices, from the author, and any views shown in the final report/notice.
- All final Cabinet or committee reports affecting their wards, sent by Cabinet/Scrutiny officers.
- Attend the relevant meeting, at which the chairman of the meeting may invite them to speak.
- Raise ward issues through question times at Council meetings and at Cabinet.
- Notice, from the officer organising the event, of any official engagements by the Mayor in their area where these are ward specific. This only applies to events arranged by the Council and not to the whole range of the Mayor's numerous engagements within the community, notice of which is publicly available on the mayors' page on the Council website.
- An invitation to any ward meeting or site visit initiated by officers - either one joint meeting for all the ward councillors, or an equal opportunity for each to have a separate meeting.

Ward members should:

- Tell officers about local concerns, perspectives and ideas.
- Take complaints or service requests from local people to officers informally first. The issue will often be a misunderstanding rather than service failure, which can be resolved without escalation through formal channels. If a member is not happy with the response received, they should then generally contact the relevant head of service or director.
- Refer any constituent's specific *formal* complaint straight to the central Complaints Officer so that it can be logged and the Council's response can be arranged.
- Not 'jump the queue' for service delivery, for their residents and enquirers. Members should respect the Council's policies and service procedures.
- If receiving a request for help from a resident outside their ward, tell the resident who their local councillors are and only take up the request if the resident still asks them to. Members will normally, as a courtesy, keep Ward Councillors advised of matters in the ward in which the resident they are dealing with lives. There may be circumstances where urgent or immediate action needs to be taken (such as safeguarding or health & safety issues) which means this communication/information sharing is retrospective.
- Not ask officers to attend a meeting or site visit in their ward where the public is expected to attend, without inviting the other local ward councillors. This does not apply to private meetings/site visits with officers or a ward 'walkabout' with an officer.

9. MEMBER AND OFFICER ROLES

Members

- Responsible to the Peterborough electorate. Serve up to a four-year term of office.
- Give political direction for the Council's services. Determine policy for providing the Council's services. Carry out reviews of Council services.
- Scrutinise the effectiveness of Council and local health services, monitoring performance against plans and targets. Actively contribute valuable local knowledge and experience.
- Hear applications and appeals about Council services, where not decided by officers.
- Help residents, organisations or businesses to access services, acting as advocates for them.
- Lead the community, at Council-wide and local levels. Speak for Peterborough in regional, national and international arenas.
- Work together across political divides as far as possible, for the benefit of the Council's services and Peterborough's diverse community.
- Promote partnership working with other service providers and local organisations, where appropriate.
- May be appointed to represent the Council on external organisations, such as a local health service management board or a community centre management committee. Attend regularly and keep the Council briefed about the organisation

Officers

- Employed by, and accountable to, the Chief Executive as 'head of paid service'.
- Serve all members, acting impartially. Support them in their work as ward members, as Executive or committee members and as Council representatives on other organisations.
- Make managerial and operational decisions about service delivery and enforcement, within delegated authority. Carry out the decisions made by members.
- Give professional advice about policy development and decision-making. Be aware of the political and sensitive nature of much of their work, and take steps to understand the political and media implications of their recommendations.
- Support and advise the Administration. While all members must be treated equally, officers must support the Administration's objectives and implement the Executive's policies. This inevitably means that a considerable amount of officer time is spent upon Executive business.
- Day-to-day partnership working and liaison with service users, residents, communities, public service providers, businesses and organisations. Inform and consult about council services.
- Liaise with regional, national and international organisations, especially governmental organisations, in the interests of Peterborough.
- Advise appropriate cabinet member(s) of the results of the above consultations.

10. WORKING RELATIONSHIPS, IMPARTIALITY AND CONFLICT RESOLUTION

Dilemmas	Approaches
<p>Balancing time and priorities</p> <p>Members and officers have to balance many competing priorities, and may not always be able to respond to requests immediately</p>	<ul style="list-style-type: none"> ● Members should explain their preferred timescale at the time of any request, especially if it is urgent, so officers can make informed judgements about competing requests and priorities. ● Officers should take into account other demands (Council, work, other public appointments, etc) upon members. ● Officers should not swamp members with written material. ● Reports and correspondence should be concise and jargon-free. ● Officers should not expect members to routinely respond to requests at short notice. Reasonable deadlines should be set and highlighted on the front of correspondence.
<p>Familiarity</p>	<p>Members and officers need open working relationships, but should treat close personal familiarity with caution. It could cause difficulties in terms of conflicts of interest, inadvertently passing on confidential information, or giving rise to suspicions of influence or favouritism.</p> <p>Members should not apply undue pressure on officers to undertake work outside their normal duties, procedures or working hours.</p> <p>Officers should not use their working relationship with a member to influence a decision in their favour, raise personal matters connected with their job or make allegations about other employees.</p>
<p>Proper conduct</p> <p>Members and officers are expected to:</p>	<ul style="list-style-type: none"> ● perform their duties effectively and efficiently; ● give timely responses to enquiries and complaints; ● keep each other updated; ● participate in briefings and training, to keep up to date with changing legislation, circumstances and roles; ● understand and respect each others' roles and pressures; ● not use their position to advance personal interests or influence decisions improperly; ● comply with the Members' and Officers' Codes of Conduct.
<p>Conflict resolution</p>	<p>If a member feels they have not been treated with respect and courtesy, or their requests are being frustrated or dealt with inadequately, they should ideally first raise this with the officer concerned. If matter is not then resolved, they should then raise it with the director or head of service, (or, if either the director or head of service is the cause of the concern, the Chief Executive) either directly or through their group leader/group secretary. The senior officer will consider whether there has been a breach of the officer code of conduct, and any appropriate action.</p> <p>If an officer feels a member has been rude or placed unreasonable demands upon them, or a representative is not working with the lead officer, they should ideally raise this first with the member concerned. If the matter is not then resolved, they should raise it with their director (or the Chief Executive, if it is a director who is concerned), who will raise it with the member and/or the member's group leader, as appropriate. If it there may have been a breach of the members' code of conduct then the Monitoring Officer's advice will be taken.</p>

11. MEETING PROTOCOLS

- 11.1 **Meetings schedule** Council sets an annual schedule of dates for Council, the Cabinet and standing committees. This is confirmed at each annual council meeting for the municipal year just starting. A draft version of this schedule is provided to full council in January each year, or as soon as possible afterwards.
- 11.2 **Variations to the schedule, and other meeting dates** Variations to the schedule, and dates and times of other committees or working groups not listed in the schedule, will be determined by the chairman, after prior consultation with group representatives. (In the case of Cabinet, there is no need for such consultation). Democratic Services officers will consult the group representatives (or, if time is short, another member of that group if the representative cannot be contacted) and the relevant lead officers. Chairmen will try to ensure that meetings are timed to be accessible to all members and officers who are required to attend. The Mayor determines any variation to the Council schedule, in consultation with group leaders.
- 11.3 **Timing** The timing of normal committee meetings will be agreed by the committee for the next municipal year in January of the preceding municipal year (or as near to this time as possible). For a committee meeting, if there is disagreement about timing between the chairman and group representatives, the meeting will start at the normal time for meetings of that committee as identified previously by the committee and included in the Annual Calendar of Meetings approved by Council. If there is an unresolved dispute for a working group this will be determined by the parent body.
- 11.4 **Meeting cancellation** Any meeting may be cancelled if there is insufficient business. For Council this will be determined by the Mayor in consultation with the group leaders; for Cabinet meetings, by the Leader of the Council; and for all committees and working groups, by the chairman in consultation with the group representatives.
- 11.5 **Meeting conduct** The chairman's role is to maintain order, a business-like approach, an atmosphere of respect and a good flow of debate, following constitutional rules and also the common law of meetings wherever the Council's procedural rules are silent upon an issue. The chairman will allow adjournments for comfort breaks where reasonable, especially during the hearing of applications or appeals when any member who leaves the meeting may not participate in the vote at completion of the hearing.
- 11.6 **The meeting room** Most meetings take place at the Town Hall, but other venues can be used with the committee's agreement. The layout of seats and tables may be varied to create a more or less formal atmosphere, depending upon the nature of the business. When members of the public are participants (for example, at question and answer sessions or when speaking for or against an application), efforts will be made to ensure the layout is not intimidating. The aim is to help the person make a positive contribution.
- 11.7 **Refreshments** Water is made available at all meetings. Food will not be eaten at meetings which are open to the public and when decisions are being made, to avoid detracting or distracting from the seriousness of the business at hand.-

12. ALL PARTY POLICY (APP)

- 12.1 These cross-party meetings are held regularly, usually on the last Thursday of each month excepting May, August and December. They allow the full Council membership to receive briefings, and ask questions and discuss points arising both informally and confidentially.
- 12.2 In general, one presentation per meeting will be arranged by Members Services (in consultation with the APP chairman) about contemporary, significant service and corporate issues. This may include external presenters.

- 12.3 Council will determine the date and time of APP meetings, usually through the annual meetings schedule. The meeting itself will appoint its chairman.

13. OFFICERS' MANAGEMENT ARRANGEMENTS

- 13.1 **Corporate Management Team (CMT)** meets fortnightly to consider strategic issues affecting the Council. Formal meetings are serviced by Democratic Services, and chaired by the Chief Executive or a nominated director. The agenda is agreed with the Chief Executive or meeting chairman.

Typical issues discussed:

- draft Cabinet/committee reports and work programmes;
- new initiatives from government or other agencies and the likely impact on the Council;
- items requested by members, directors or heads of service;
- the outcomes and expectations of best value and other inspections;
- a workshop to discuss specific issues or as part of overall organisational development.

The Group usually sees all draft Cabinet reports before they are issued. It may request sight of draft overview and scrutiny committee reports based upon forward examination of the work programme. This allows strategic management of the authority's business.

- 13.2 **Departmental management teams (DMTs)** comprise the director and the heads of service for each division within a department, with other officers as necessary to give legal, financial, constitutional or other advice. They meet regularly to discuss strategic and operational matters. These meetings may include:

- meetings with the cabinet member and/or group representatives;
- organised training sessions about specific issues;
- feedback from the Executive, committee meetings and CMT;
- inspection reports;
- Cabinet/committee work programmes and draft reports;
- service planning and employee related matters;
- contributions to and responses to corporate initiatives.

- 13.3 **Communications:** Consistent two-way communication between members, managers and other employees, is important, avoiding duplication. Communication channels include:

- Chief Executive's regular briefings via Insite;
- service specific briefings – as and when necessary;
- monthly Members' Information bulletin ;
- Weekly Bulletin provided to staff via email;
- information passed from CMT to DMTs to team meetings;
- the 'ask Gillian' section of Insite;
- one to one meetings with employees or councillors.

- 13.4 **Politically restricted posts** All officer posts are impartial, but the following have a special political restriction by law: the Chief Executive; directors; the Monitoring Officer; and officers on a list which the Council must maintain of all posts which *either* have annual pay equivalent to or above pay spinal column point 44, *or* involve the officer in regularly giving advice to Council, the Executive, a committee or sub-committee, *or* regularly speaking on the Council's behalf to journalists and broadcasters.

Officers whose posts are "politically restricted" may not:

- hold office in a political party, act as an election agent or canvas on behalf of a political party or candidate for election;
- stand for election to a local authority (except to a parish council);
- speak in public, give interviews or publish any written work with the intention of affecting public support for a political party.

These restrictions do not affect the employee's family. They do not prevent the officers from, for example, displaying an election poster in a window of their home if they so wish.

14. SUPPORT SERVICES PROVIDED FOR MEMBERS

The Council may only help members to discharge their role as councillors, and may not use its resources for party political activity. Members will not ask officers to publish material that appears to seek public support for a political party, or to do work that would compromise their impartiality. Any such requests are referred back to the member for them or their party office to undertake.

<p>Support for ward casework Provided by Members Services in the form of guidance and information to Members as to the appropriate department to direct their query.</p> <p>Any correspondence through Members Services must not refer to membership of/support for political parties.</p> <p>Members Services may interview constituents who phone or visit the Town Hall, take and record appropriate action on members' behalf. The constituent is kept informed of action taken and the member notified with copies of any correspondence instigated on their behalf. Correspondence is not be copied to another member, without prior consultation.</p>
<p>Member details Maintained by Members Services. Published on the web, if the member's permission has been given.</p>
<p>Members' post This will be placed in Members pigeon holes in their group rooms. Urgent items that need to be posted will be done so with the agreement of the Head of Constitutional Services</p> <p>Inappropriate items (advertising, political material and junk mail, etc) are logged and placed in Group Rooms for collection by members. Political groups' correspondence relating specifically to Council policy and business will also be posted in members pigeon holes.</p>
<p>E-mail A <i>peterborough.gov.uk</i> email address and calendar is provided for all members, for Council work. Emails or diary invitations to this address or calendar should not be forwarded to any private email address or calendar in order to keep the information secure.</p>
<p>Ward surgeries Arranged by the member, but advertised by Members Services. Members Services pays invoices for surgery venues. Officers are not expected to attend members' surgeries.</p>
<p>Office supplies Reasonable supplies of business cards and basic stationery for Council use. Shredding available for council papers. (Allowances and ICT support are described in the Members Allowances Scheme.)</p>
<p>Car parking Amendment to car parking details are the responsibility of individual members. Members Services will administer new car parking permits following the election process and any change to special responsibility status.</p>

15. POLITICAL GROUPS

- 15.1 Councillors must give notice of membership of a political group. Each group appoints a leader and secretary, may appoint a deputy leader and otherwise arranges its own affairs.
- 15.2 Private **political group meetings** may be held at the Town Hall. These will usually follow the All Party Policy Planning meeting.
- 15.3 Officers may attend political group meetings on Council business. Any request for an officer to attend a Group meeting should be directed to the Chief Executive or relevant director, stating the subject matter. The Chief Executive or director will determine which officer(s) should attend, usually a second-tier officer or above. If they believe officer attendance would be inappropriate, they will discuss this with the group leader.
- 15.4 Officers must not advise group meetings about political or party business. Members and officers should avoid any conduct that could compromise officers' impartiality. Special care is needed if the meeting includes party representatives/observers who are not councillors. These people will not have signed the statutory Code of Conduct and do not have members' rights to information, so officers may not be able to provide the same level of advice. The meeting chairman will tell officers if there are observers present.
- 15.6 Confidentiality: the content of discussions will not be relayed directly or indirectly to members of another group or officers without the consent of the political group.
- 15.7 A **public political group meeting** may not be held at the Town Hall, to avoid any confusion in public perception as to the Council's official views about an issue.

16. SHADOW CABINET

- 16.1 Should the second largest Political Group on the Council wish to form a Shadow Cabinet they will need to notify the Council and Chief Executive of their nominated membership to a Shadow Cabinet
- 16.2 A Shadow Cabinet will be subject to the same rules and conditions as outlined in this Member/Officer Protocol.
- 16.3 A Protocol outlining the role and support to the Shadow Cabinet is outlined in Appendix 1 to this Member/Officer Protocol

17. MEMBERS' OFFICES

- 17.1 **Group Rooms** Most Members will have access to their 'political group room', which is not open to other members or officers. These are supported by Members' Services Unit.
- 17.2 **Members' Lounge** This is open to all members. It can be used when meeting visitors to discuss ward related issues and other council business. It may also be used by members to hold small meetings where it is not appropriate to hold these within the group rooms.
- 17.3 **Leader's office** The Leader of the Council is provided with an office.

18. MEMBER APPRAISAL, TRAINING AND DEVELOPMENT

- 18.1 **Service-specific briefing and training** This is arranged and funded by the service department. Attendance at external events should be approved in accordance with the Delegations Document. Any expenses incurred on behalf of an individual councillor must be notified to the Head of Constitutional Services, both to track overall training provision

and to ensure that legal requirements (see the Members' Allowances Scheme) are followed.

- 18.2 Members should receive appropriate training in order to sit on all committees and also to undertake best value reviews.
- 18.3 **Corporately arranged briefing and training** A central budget is provided for corporately arranged members' training, managed by Democratic Services. The Head of Constitutional Services oversees the central funds to ensure that there is provision for the following categories: overview and scrutiny development; generic/cross-party skills development; and individual member requests supported by their political group.
- 18.4 Democratic Services will maintain a database of members' training. This is used to develop an **annual training plan** for members.
- 18.5 Members attending an external training event/conference should feed back to the relevant director or head of service, to consider how the information learnt can be disseminated.
- 18.6 The Council does not operate a formal **performance appraisal** scheme for members. . Members are ultimately held accountable by their electorate through local elections. Residents can find out about their councillors by means of contact details and explanatory information on the Council's website.

19. OFFICER APPRAISAL, TRAINING AND DEVELOPMENT

- 19.1 The Council's learning policy recognises that all employees need to learn and develop. Each department is encouraged to have a training plan, reflecting the Council's and services' objectives and action plans. Officer attendance at briefings, courses, seminars and conferences is arranged and funded by the department's budget in line with their training plan and service plans.
- 19.2 Afterwards, the officer and line manager should evaluate whether the learning objectives were met and share learning, to maximise benefit from the investment in the event.
- 19.3 All employees should have a personal development plan reviewed at least annually through the appraisal process. Annual appraisal includes at least six-monthly meetings where the officer and manager review job description, achievements, progress with meeting current objectives, new objectives, learning needs and any other ways in which support could be given to improve the person's job and or performance.

SHADOW CABINET PROTOCOL

1. Composition

The Leader of the second largest Political Group may choose to form a Shadow Cabinet by their nomination from amongst the Members of the Council. If so they shall notify the Council and the Chief Executive of the names of the Members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.

The distribution of portfolios between and amongst Shadow Cabinet

Members will mirror the Portfolios of those of the Cabinet, save that a single Member may cover more than one portfolio.

2. Number of Members

The Shadow Cabinet shall comprise no greater number of Members than the number of members of the Cabinet.

3. Role

The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling Executive and for constructive scrutiny of the achievement of the Council's corporate and service objectives and priorities.

4. Officer Support

4.1 On request the Chief Executive, or senior officers acting under their direction, shall attend private meetings of the Shadow Cabinet. At such meetings, the Chief Executive (or nominee) shall brief the Shadow Cabinet on:

- (a) proposals that are to be considered by the Cabinet and that have been published; and
- (b) other matters identified by the Shadow Cabinet.

4.2 Officer briefings at private Shadow Cabinet meetings shall be factual and professional and non-political in nature and shall not extend to the evaluation of policy options, justifying or defending proposals of the Executive, or revealing information and advice that is properly confidential in nature

4.3 Officers shall not speak or answer questions at Shadow Cabinet meetings that are open to the general public or anyone who is not a Member of Peterborough City Council, save for any properly appointed Political Assistant and any officer present at the request of the Chief Executive.

4.4 Individual shadow Portfolio Holders are not holders of office within the Council. However, shadow Portfolio Holders may receive advice and support from the Chief Executive or senior officers acting under their direction. All such advice and support will need to comply with the Member/Officer protocol contained in part 5 of the Council's Constitution.

5. Powers

1. For the avoidance of doubt the Shadow Cabinet will not have any Executive powers and in this respect officers cannot be instructed to act on behalf of the Shadow Cabinet or individual Members of the Shadow Cabinet in any way

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MODEL COUNCIL MEMBERS' PLANNING CODE or PROTOCOL

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Member Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*“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**”.*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of that application where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
- you must not get involved in the processing of the application; and
- it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

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- are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (**where this is granted by the authority's standing orders or by the consent from the Chair and Committee**) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
 - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the seating area for members of the Committee for the duration of that item; and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:

- follow the Authority's rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file [a profoma has been supplied to you for this purpose].

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your [ward][division] and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the [Development Control Manager] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [Development Control Manager], which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section [38 of the Planning and Compulsory Purchase Act 2004][Art 4(2A) The Planning (Northern Ireland) Order 1991] and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons

must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

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Peterborough City Council
Licensing Code of Good Practice

MEMBERS' LICENSING CODE OF GOOD PRACTICE

BACKGROUND

Changes in legislation with the enactment of the Licensing Act 2003 and Gambling Act 2005 have transferred substantial additional responsibilities for licensing to local government and established the Council as the licensing authority for the regulation of various forms of licensable activities. The responsibilities will be undertaken by the Licensing Act 2003 Committee and its sub-committees. However the Council has other licensing responsibilities that are undertaken by the Licensing Committee. Whichever the forum, Members are acting in a quasi-judicial capacity in carrying out the Council's licensing functions.

This Code of Good Practice is designed to apply the principles contained in the Council's adopted Standards regime and to support and maintain high ethical standards in local government. It applies to the actions of the Council both in its statutory capacity as the licensing authority and its non-executive functions that are the responsibility of the Licensing Committees. For the purposes of this Code, the Council is collectively described as the licensing authority.

This Code has regard to both the Members Planning Code of Good Practice previously adopted by the Council and LACORS' guidance on the role of elected members in relation to Licensing Committee hearings under the Licensing Act 2003.

INTRODUCTION

The aim of the Code is to ensure that in the operation of the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of licensing is to regulate certain activities in the public interest and to promote the licensing objectives defined in the legislation. In addition, the authority must have regard to statutory guidance issued by the Secretary of State and the Gambling Commission.

Your role as a member of the licensing authority is to make decisions openly, impartially, with sound judgement and for justifiable reasons.

This Code of Good Practice also applies to Members at all times when involving themselves in the licensing process. It applies equally to licensing enforcement and licensing policy issues as it does to licensing applications. This includes taking part in decision-making meetings of the licensing authority and when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.

References to officers in this Code of Good Practice relate to employees of the Council.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

Do apply the rules in the Members' Code of Conduct first: these must always be complied with.

Do then apply the rules in this Licensing Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct (as amended) for the purposes of dealing with all licensing matters. If you do not abide by this Code of Good Practice, you may put:

- i. the licensing authority at risk of proceedings as to the legality or maladministration of the related decision; and
- ii. yourself at risk of either being named in an Ombudsman's report made to the Corporate Governance Panel or Council or,
- iii. if the failure is also likely to be a breach of the Code of Conduct, a complaint to the Standards Committee.

2. Licensing Proposals and Interests under the Members' Code

Personal Interests

The first step in considering whether or not you have a relevant interest in a matter is to consider 'personal interests'. There are 2 types of personal interest:

- 1 an interest that you must register; and
- 2 an interest that is not on your register but where the well-being or financial position of you, members of your family or people with whom you have a close association is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

Your obligation to disclose a personal interest only applies when you are aware or ought to be aware of its existence.

Your interest in a licensing matter may take a variety of forms. As a member of the Cabinet or the relevant executive councillor, you may have either collective or individual responsibility for premises in the Council's ownership or a licensable activity which the Council is promoting for which a licence is required or has already been granted.

You may be a member of another organisation or body that is applying for a licence or is carrying out a licensable activity. You may be an employee of a responsible authority defined in the legislation or you may be an interested party because you live or have business premises in the vicinity of an application site or licensed premises.

You may be a member of a lobby group or campaign. You may be the applicant for a licence or the provider of a licensable activity yourself or a member of a registered club that is doing so. You may be a supplier of goods to an applicant or an existing licensee or club or you may act in some capacity on their behalf. You may also be an existing licensee or a member of a club whose business may be affected if a licence or club premises certificate is granted for a similar activity elsewhere.

Exemptions

A personal interest does not need to be declared with it arises solely from membership of or a position of control or management in:

- 1 Any other body to which you were appointed or nominated by the authority;
or
- 2 Any other body exercising functions of a public nature (e.g. another local authority).

HOWEVER, you must exercise your discretion in deciding whether or not a personal interests exists and where:

- i. you have been **significantly** involved in the preparation, submission or advocacy of a licensing proposal or in an activity that has been licensed on behalf of such a body; or
- ii. you are a trustee or company director of the body submitting the proposal and were appointed by the Council

It is considered that a personal and prejudicial interest may exist and should be declared as such.

Prejudicial Interests

A personal interest will also be a prejudicial interest if ALL of the following conditions are met:

- 1 the matter affects your financial interest or relates to a licensing or regulatory matter; and
- 2 a member of the public who knows the relevant facts would reasonably think that your personal interest is so significant that it is likely to prejudice your judgement of the public interest.
 - This means that your interest could be perceived as likely to harm or impair your ability to judge public interest
 - The mere existence of local knowledge or connections within the local community will not normally be significant
 - The nature of the matter is important including whether a large number of people are equally affected or you or a smaller group are particularly affected.

Where a prejudicial interest exists, the Code of Conduct does not provide you with a general right to speak at a meeting UNLESS members of the public are allowed to make representations, give evidence or answer questions about the matter.

- The Code of Conduct aims to provide members with the same rights as ordinary members of the public despite having a prejudicial interest; HOWEVER

- Your rights are limited in that you must leave immediately after you have made your representations, given evidence or answered questions and before any debate starts; and
- Even if members of the public are allowed to remain and observe and/or vote on a matter you are not allowed to do so; and
- If the meeting decides that you should finish speaking even if you haven't you must comply.

Any failure to comply with the specified obligations may be viewed as an attempt to improperly influence the meeting.

Whatever your interest:-

Do consider whether your interest falls within the exemptions.

Do attend meetings and vote on matters without making a declaration of interest if it falls within the exemption.

Do disclose the existence and nature of a non-exempt personal interest before the matter is discussed or as soon as it becomes apparent to you. **Do** then act accordingly.

Do declare an exempt personal interest if you wish to speak on the subject matter of the hearing.

Do not fail to disclose an interest on the basis that it is registered. The duty to disclose applies regardless.

Do remain in the meeting, speak and/or vote on the matter as appropriate where you have a personal interest but not a prejudicial interest.

Where your interest is personal and prejudicial:-

Do disclose the interest at the earliest opportunity i.e. the outset of the meeting or as soon as you become aware of it thereafter.

WHERE ORDINARY MEMBERS OF THE PUBLIC HAVE NO RIGHT TO SPEAK AT THE MEETING:

Do withdraw immediately from the room or chamber where a meeting is being held for the duration of any discussion and/or voting in the matter.

Do not participate or given the appearance of trying to participate in the making of any decision on the matter by the Licensing Authority

Don't represent an applicant or responsible authority at a licensing sub-committee hearing or applications sub-group meeting.

Don't try to represent an interested party if you have played an active role in supporting or opposing an application for a licence. Ask another member to do so in your place.

Don't get involved in the processing of the application or the review of a licence or certificate that has already been issued.

Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

Do notify the Monitoring Officer in writing of your own interest and note that:

- i. notification to the Monitoring Officer should be made no later than submission of the application; and
- ii. it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

Do make written representations in your private capacity but ensure that the existence and nature of the personal interest is disclosed. Any such representations should be addressed to Officers rather than members of the authority.

Do arrange for another member of your authority to represent the views of your constituents.

WHERE ORDINARY MEMBERS OF THE PUBLIC HAVE A RIGHT TO SPEAK AT THE MEETING

Do attend the meeting and make representations, give evidence or answer questions about a matter.

Do immediately withdraw from the room or Chamber immediately after you have finished.

Do not attempt to continue speaking or remain in the room or Chamber when the meeting decides that you have finished (if that is earlier than you consider)

Do not vote on the matter.

Do not remain in the public gallery to observe the vote on the matter.

Do not seek to improperly influence the decision.

3. Fettering Discretion in the Licensing Process

Don't fetter your discretion and therefore your ability to participate in licensing decision-making by making up your mind, or clearly appearing to have made up your mind as to how you will vote on any licensing matter prior to its formal consideration at a hearing or meeting of the licensing authority and hearing the representations and evidence on both sides. Fettering your discretion in this way and then taking part in the decision will put the licensing authority at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for a proposal. (This is more than a matter of membership of both the proposing and licensing determination bodies, but because through your significant personal involvement in preparing or advocating the proposal you will be, or could be perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its licensing merits.)

Don't fetter your discretion by failing to declare a personal and/or prejudicial interest.

Don't sit as a member of a licensing sub-committee or applications sub-group if the applicant lives or the premises are situated in the Ward that you represent or if an application is being made to review a licence or certificate held by a resident or premises in your Ward.

Don't sit as a member of a licensing sub-committee or applications sub group where you have fettered your discretion. Because of the limited size of licensing sub-committees and applications sub-groups, you should advise officers as soon as it becomes apparent to you that you have fettered your discretion and certainly before the meeting commences to enable an alternative sub committee to be convened. You do not have to withdraw from the room where the meeting is taking place, but it would be preferable for you to do so.

Do take the opportunity (if you not sitting on the licensing subcommittee or applications sub group) to exercise your rights as a member to speak on behalf of an applicant or interested person even if you have represented your views or those of others before the meeting and fettered your discretion.

4. Contact with Applicants, Developers and Objectors

Do refer those who approach you for licensing, procedural or technical advice to officers.

Don't attend any meeting with applicants or interested parties if you are a member of a sub-committee or sub-group. Pre-application discussions, if held for clarification purpose will involve officers only who will ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the sub-committee or application sub-group.

Do otherwise meet with an applicant or interested party if you are considering representing their interests or speaking on their behalf at a hearing of a sub-committee or meeting of an applications sub-group of which you are not a member.

5. Lobbying of Councillors

Do explain, if you are a member of a sub-committee or sub-group, to those who may be attempting to lobby you that whilst you can listen to what is said, you cannot form or express a definitive opinion without first considering all of the relevant facts. Section 25 of the Localism Act 2011 clarifies that Members will not be considered as being predisposed in respect of a decision they have taken or voted on just because they have indicated a preliminary view. Members must not however form or express a view which is or could be perceived as indicative of them having already made their mind up.

Do remember that, as a member of the Licensing Committee, you will probably be unaware whether an application will be determined by a sub-committee or sub-group or whether you will be a member of that determining body until you have been notified by officers. If you have been lobbied by an applicant or interested party, you should notify officers as soon as it comes to your attention that you have been invited to sit on a relevant sub-committee or sub-group. In such circumstances, you should consider whether it is still appropriate to take part in the hearing having regard to Section 25 of the Localism Act 2011.

Don't feel constrained, if you are not a member of a sub-committee or sub-group, to receive an approach from an applicant or interested party and, having considered the information that they have supplied, to agree to speak or make representations on their behalf at a meeting of a sub-committee or sub-group.

Do remember, if you are a member of a sub-committee or sub group, that your overriding duty is to the whole community and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

Don't accept gifts or hospitality from any person involved in or affected by a licensing application or who may be providing a licensable activity. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality with the Monitoring Officer where its value is over £25 in accordance with the Members' Code of Conduct.

Do treat any such gift as creating a personal interest and consider whether it could also amount to a prejudicial interest.

Do copy or pass on any lobbying correspondence you receive if you are a member of a sub-committee or sub-group to the Head of Environmental & Public Protection Services at the earliest opportunity in order that it can be placed on the appropriate licensing file and is open for inspection before a decision is made.

Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

Do note that, unless you are a member of a sub-committee or subgroup or you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Licensing Code of Good Practice through:

- i. listening or receiving viewpoints from residents or other interested parties as long as you make yourself equally available to those of differing viewpoints if requested to do so;
- ii. making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- iii. seeking information through appropriate channels; or
- i. being a vehicle for the expression of opinion or speaking at the meeting in support of an application or in expressing representations on behalf of an interested party. If such action is required discuss with the monitoring officer.

6. Lobbying by Councillors

Do consider whether your membership or representation on behalf of an organisation whose primary purpose is to lobby to promote or oppose the business of the Committee or Sub-Committee is sufficient to prohibit your involvement in the decision making process.

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals, such as a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the licensing authority that you have reserved judgement and the independence to make up your own mind on each separate proposal.

Don't excessively lobby fellow members regarding your concerns or views nor attempt to persuade them how they should vote in advance of the meeting at which any licensing decision is to be taken.

Don't decide or discuss how to vote on any licensing application or policy matter at any sort of political group meeting, or lobby any other member to do so. Political group meetings should never dictate how members should vote on any licensing issue.

7. Site Visits

Do try to attend site visits organised by the licensing authority if you are a member of the licensing sub-committee or applications subgroup. If you are unable to take part in a site visit, you will be unable to take part in the sub-committee hearing or sub-group meeting. You should therefore notify officers of the Democratic Services Section as soon as it comes to your attention that you are unable to attend a site visit that has been organised. Where a site visit takes place, Members will be accompanied by officers of the authority.

Do ensure that you treat the site visit only as an opportunity to observe the site.

Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

Don't hear representations from the applicant or an interested party at the site visit. Where you are approached by the applicant or an interested party, direct them to or inform the officer present.

Don't express opinions or views to anyone.

Do exercise your discretion, if you are not a member of the subcommittee or subgroup, as to whether to accept an invitation to visit a site which is the subject of an application or provides a licensable activity. Where you do accept an invitation, do exercise caution and ensure you comply with these good practice rules.

8. Public Speaking at Meetings

Don't allow members of the public to communicate with you in isolation if you are a member of a sub committee or sub-group during the hearing or meeting proceedings (orally or in writing) as this may give the appearance of bias.

9. Officers

Don't put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Environmental & Public Protection Services but hearing or meeting reports will contain only representations that have been submitted in the manner prescribed by the legislation. Your attention is drawn to the danger of fettering your discretion on a matter which is covered in Section 3 of this Code.)

Do recognise that officers are part of a management structure and discuss a proposal, outside of any arranged meeting, only with the Head of Environmental & Public Protection Services or those officers who are authorised by them to deal with the proposal at a member level.

Do recognise and respect that officers involved in the processing and determination of licensing matters must act in accordance with the Council's Code of Conduct for Employees and the requirements of the licensing legislation. As a result, licensing officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence and the promotion of licensing objectives, which may on occasion be at odds with the views or opinions of members.

10. Decision-Making

Do come to meetings with an open mind and demonstrate that you are open-minded.

Do comply with the licensing legislation and make decisions in accordance with statutory licensing objectives, having regard to guidance that has been issued under the relevant legislation and the authority's statement of licensing policy.

Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information and, if necessary, adjourn the hearing or meeting until the information has been provided and you have had an opportunity to consider it.

Don't vote or take part in the hearing or meeting on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

Do make sure that if you are proposing, seconding or supporting a decision contrary to the licensing objectives or the statutory guidance issued by the Secretary of State or Gambling Committee or the authority's statement of licensing objectives, that you clearly identify and understand the reasons leading to this conclusion/decision. These reasons must be given prior to the vote being taken and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

Don't participate in decision making at hearings and meetings dealing with licensing matters unless you have attended specified licensing training.

Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures statutory guidance and licensing policy beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

Peterborough City Council
Civic Protocol
(updated March 2023)

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Civic Protocol

1. The importance of the Council's mayoralty and civic service

- 1.1 Peterborough City Council plays an important part in providing community leadership. The City Council recognises two key aspects to this: political leadership is provided through the Leader of the Council and other Cabinet Members who together form the Executive; while civic leadership is focussed upon the mayoralty, provided through the Council's civic service.
- 1.2 As Peterborough's 'first citizen', the Mayor acts as ambassador for the City Council, and also for Peterborough itself on the wider regional, national, and international stage. By being an impartial figure, they can represent the whole community, regardless of differences. The Mayor can visit communities and business interests both in Peterborough and farther afield, representing the Council and the City, and they can also welcome delegates and visitors to the City Council on the community's behalf.
- 1.3 The civic function provides an element of continuity in the community, even though the incumbent of the mayoralty may change annually. It can act as a focal point for community celebrations and pride and also commemorations and shared sorrow. Civic events and hospitality are an important part of community life, enhancing its social fabric and helping to attract confidence in the City which brings benefits in terms of inward investment. The Council's civic programme is reviewed annually by the Head of Constitutional Services and the Executive and Members Services Manager with the Mayor to ensure that it retains its important traditions and continuity, while also adapting where appropriate so that it remains attractive and relevant to the community.

2 The Mayor's statutory role

- 2.1 The primary duty of the Mayor is to act as chair of Peterborough City Council and thus preside over meetings of the Council, in accordance with the Local Government Act 1972 which states:
- s3(i) - "The chair (mayor) of a principal council shall be elected annually by the Council from among the councillors";
- s4(i) - "The election of the chair (mayor) shall be the first business transacted at the annual meeting of a principal council".
- 2.2 As chair of Council, the Mayor's role is to ensure proper conduct of the Council meeting in compliance with the law and the Council's procedural rules for meetings. They are also required to:
- determine whether urgent items may be considered at a Council meeting without prior notice;
 - determine whether or not to call an extraordinary meeting of Council; and exercise, if they wish to, a second or 'casting vote' at Council in the event of an equal vote upon any issue.
- 2.3 The Mayor is advised, in this function, by the Chief Executive or Director of Law and Governance and the Head of Constitutional Services.
- 2.4 The Mayor is expected during their term of office to remain politically impartial. Councillors will support the Mayor in this and respect their neutral position.

3 The Mayor's civic role

- 3.1 In fulfilling the role of Peterborough's first citizen, the Mayor is expected to speak and act for all the diverse communities represented in Peterborough.

- 3.2 The Mayor will usually lead each of the civic events in the Council's annual programme. They also attend all events, wherever possible, to which the Council has been invited to send a civic representative. In particular, priority will be given to events involving the Lord-Lieutenant to which the Council is invited to send a civic representative and to the Council's key priorities on supporting communities and promoting the City rather than merely attending other authorities' events. Where it is not possible for the Mayor to attend such an event, the Deputy Mayor will attend in their place. When considering attendance, the Mayor and Executive and Members Services Manager will balance civic priorities against the need to honour prior engagements where possible.
- 3.3 When the Council requires a leading figure to be present at an event which it has organised in connection with the services which it delivers within the community – such as to open a new service or a festival – the Mayor will usually be invited to fulfil that role. If this is not possible, the Deputy Mayor will be invited. Where events are community-based, the officers arranging the event will usually invite ward councillors to attend. This would typically be undertaken by the organisers of the event not the Executive and Members Services team.
- 3.4 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chair of that local authority if the invitation did not come from their civic office and to request permission for the wearing of chains at the event.
- 3.5 The Mayor is frequently invited to attend events in the community, such as openings and fund-raising events organised by voluntary organisations. There are also invitations to attend lectures, social events and so forth. Where possible the Mayor or Deputy will attend. However, the mayoral calendar is busy and this will not always be possible. The Mayor will, in deciding whether or not to accept an invitation, give priority to events described at section 3.2 above, and to those which promote Peterborough. They will also have regard to advice from the Executive and Members Services Manager and to the date order in which invitations are received into the Office.
- 3.6 Once the Mayor is elected, they will discuss with the Executive and Members Services Manager and Head of Constitutional Services the coming year to plan ahead for civic events and will take officers' advice about any issues or events arising that year which would particularly benefit from the Mayor's involvement, and it is usual for the Mayor to select one or more themes which they would like to focus upon during their mayoral year. These discussions will guide officers in identifying those events which the Mayor should participate in and help the Mayor and Executive and Members Services Manager to assess which external invitations the Mayor should accept.
- 3.7 In addition to the Mayor or Deputy Mayor attending an event, it is also noted that other Cabinet Members, Chief Officers, Leader of the Council, Chief Executive or other members may have been invited by the organisers of the event, and in some cases, may be asked to deliver speeches.
- 3.8 The Council's role in extending civic hospitality is described at section 11 below.

4. How the Mayor is appointed

- 4.1 The procedural rules set out in the Council's Constitution, governing the conduct of Council business, describe the procedure for identifying a 'Mayor-Elect' each year, to allow the person selected sufficient time to make adequate preparations for the year of office well in advance of actual election at the Annual Council Meeting. Councillors remain after the closure of a Council meeting early each New Year, for a private meeting of all members. The usual practice is for the Chief Executive to facilitate the meeting by inviting councillors to propose a candidate. This is usually done with a short speech, and duly seconded. Any further nominations are made in the same manner. The Chief Executive then invites councillors to vote for each candidate in turn. Thus, the candidate most likely to receive Council's formal support at the Annual Council Meeting is identified, but the resulting nomination has no official status, no minutes are taken, and the result is not binding upon the Annual Meeting.

4.2 Peterborough City Council appoints Mayors on the basis of their length of service with the Council. The Council may take into account factors such as experience at chairing meetings, the need for the Mayor to have time to attend many daytime as well as evening appointments, and the range of duties which the Mayor will be required to undertake. It is also usual for the Mayor and Deputy Mayor to represent two different political parties, although this is not obligatory. Mayors serve a one-year term of office.

4.3 A Mayor's Induction pack is provided by Executive and Members Services Team which explains the full range of issues with which the Mayor will become involved.

5. The Mayoress or Consort

5.1 It is usual for the Mayor to identify the person who will accompany them to all or most of the civic and social activities which they attend in their official capacity as Mayor. The choice of companion is entirely at the Mayor's discretion. A female companion is designated Mayoress, while a male companion is designated the Mayor's Consort.

5.2 The position of Mayoress or Consort is not provided for in law and therefore has no legal status. The Mayoress or Consort cannot represent the Mayor at city events; their role is to accompany and assist the Mayor. In the absence of the Mayor, this duty would fall to the Deputy Mayor.

6. The Deputy Mayor and Deputy Mayoress or Consort

6.1 The Deputy Mayor will deputise whenever the Mayor is unable to carry out a mayoral duty. In particular, if the Mayor is not able to present at a Council meeting, the Deputy Mayor will take the chair. When the Mayor is present at Council, the Deputy Mayor will sit to the Mayor's side upon the dais in order to help the Mayor in chairing the meeting (for example, identifying councillors who wish to speak about an item under discussion).

6.2 The Deputy Mayor will also be invited to attend each of the events in the Council's annual civic events programme, forming part of the mayoral party. They will deputise for the Mayor at such events, in the Mayor's absence.

6.3 The Deputy Mayor will attend council-run or external events where possible, if the Mayor is unable to do so. In deciding whether or not to accept such invitations, the Deputy Mayor will have regard to the same advice and priorities as are indicated for the Mayor at paragraph 3.4 above.

6.4 Like the Mayor, the Deputy Mayor usually identifies a companion to accompany them to civic and social events attended in their official capacity as Deputy Mayor. A female companion is designated Deputy Mayoress, while a male companion is designated the Deputy Mayor's Consort.

7. The Mayor's Chaplain and Cadet, and the Town Crier

7.1 It is custom and practice for the Mayor to appoint a Chaplain. The appointment is honorary, is at the Mayor's discretion and has no official status. The Chaplain acts as spiritual adviser to the Mayor, says prayers before each Council meeting and attends major civic functions and dinners where they will be expected to say grace. The Chaplain will also make arrangements for the Mayor's Civic Service, held each year in the Mayor's own ward.

7.2 The Mayor may also consider appointing a Mayor's Cadet for their term of office. This will be young person from the army, naval, air force or police cadets, selected by the Mayor. Like the Chaplain, the position of Mayor's Cadet is honorary, at the Mayor's discretion and has no official status. The Cadet, where appointed, will accompany and assist the Mayor at official functions, enabling a young representative to be present at civic events and also providing good opportunities for personal development for the cadet.

7.3 Peterborough's Town Crier is an honorary position. The Crier is chosen from candidates who come forward after public advertisement or notice and is selected by the Leader of the Council usually after a public 'crying' competition. The appointment is generally continued from year to year, until the current incumbent stands down. The Crier is expected to uphold the dignity of their office but may also engage in other crying activities, provided that these do not bring the office of Town Crier into disrepute.

8. The civic insignia

8.1 Mayors in Peterborough wear a robe of office, cuffs and neck tab, together with a chain of office on all formal ceremonial occasions such as Formal Civic Events as noted below in points 10.1, 10.2 and 10.3 particularly if the Lord Lieutenant or Deputy Lieutenant are in attendance. If the ceremony is out of doors and the event is in support of the Monarchy, the Mayor will wear a hat, which in the case of a man is a black cocked hat and for a lady a black tri-corn hat. On normal day to day civic occasions, the Mayor and Mayoress will wear the chain of office. The mayor is expected to wear the robe and chain of office for all Council meetings, but at their discretion, may remove the robe if it is particularly hot.

8.2 If the Mayor accepts an invitation to attend a function in another local authority, it is courtesy to seek the consent of the Mayor or Chairman of that local authority to wear the chain of office if this is required.

9. Formal address and orders of precedence

9.1 In writing, and on formal occasions, the mayor should be addressed as 'The Right Worshipful the Mayor of the City of Peterborough'. At all other times the mayor has discretion as to whether the correct form of address is "Mr Mayor", "Madam Mayor" or "Mayor" and then their surname.

9.2 The precedence of the Mayor is set down under Section 3(4) of the Local Government Act 1972 which states "The Chair of the District Council shall have precedence in the District, but not so as prejudicially to affect His Majesty's royal prerogative."

9.3 The Lord Lieutenant, when present at a civic procession or royal occasion, takes precedence over the Mayor as the monarch's representative. The Deputy Lord Lieutenant of the County does not take precedence over the Mayor, unless he is deputising for the Lord Lieutenant. There are no clear rules in respect of the precedence of the High Sheriff, but general advice is that the High Sheriff's duties are largely restricted to judicial functions, so they do not represent the monarch in the same way as does the Lord Lieutenant. Therefore, if the High Sheriff is present at a city occasion, they should yield precedence to the Mayor. The precedence of other office holders is very much based upon guidance available in books of etiquette, together with local tradition.

9.4 Where possible a Police Representative or the Mayor's Support Officer will lead the Mayoral Party processions and the order of precedence for the City of Peterborough for civic processions and royal occasions is as follows (see also paragraph 9.6 below):

The Lord Lieutenant The Mayor and Mayoress/Consort Leader of the Council Chief Executive The Deputy Mayor and Mayoress/Consort Any Minister of the Crown present* The High Sheriff Members of Parliament (Privy Councillors have precedence)** Elected Mayor	(This group forms the mayoral party)
Serving Military Representatives Police & Crime Commissioner Police and Fire	

Honorary Freemen of the City (representatives of organisations which have received this honour will follow individual freemen) Honorary Alderman Past Mayors Chief Constable and Chief Fire Officer Visiting Chairs Visiting Mayors (these may come later in the procession, after city councillors, in cases where a large number of visitors are present) Cabinet Members Group Leaders Other city councillors and city council officers Other guests	
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- * Where it is customary to include local Members of Parliament (MPs) in the order of precedence for a civic procession, most local authorities place them between the mayoral party and councillors. This is the case in Peterborough. However, if an MP is a Minister of the Crown, they are included in the mayoral party.

** Where an MP is a Privy Councillor, they take precedence over other MPs.

- 9.5 Any civic procession is led by the Mayor's Support Officer carrying the mace, preceded by a police representative where necessary.
- 9.6 During a royal visit to Peterborough, the order of presentation to the royal visitors by the Lord Lieutenant shall be determined by His Majesty the King ~~Queen~~. The City Council will usually be consulted by the Lord Lieutenant's office prior to the visit in order to advise His Majesty. The City Council will usually recommend the following:

Lord Lieutenant and guest High Sheriff and guest Mayor and Mayoress/Consort Leader of the Council Chief Executive Deputy Mayor and Mayoress/Consort MPs (Privy Councillors have precedence)	(This group forms the mayoral party)
Chief Constable Chief Fire Officer (After these presentations, the Lord Lieutenant will present the principal organiser of the event)	

Apart from the lead from the Lord Lieutenant and High Sheriff – other order to be same as above. On the occasion of a royal visit to Cambridgeshire, which includes Peterborough, then the Cambridgeshire County Council chair will also be presented.

10. The Council's programme of civic events

- 10.1 The Council organises or participates in a series of major civic events which occur each municipal year. These are indicated below:

Annual programme of civic events	Usual time of year	Principal organisation(s)
Mayor Making and Annual Council Meeting	May	Peterborough City Council Executive

<p>(This includes the ceremonial investiture of the Mayor, and an event in honour of the retiring Mayoral Party and new Mayors).</p> <p>(Mayor Making – Formal insignia, robe, cuffs, neck tab and chains)</p> <p>(Annual Council – Robe and chains) (If hot, then this is at the Mayor's discretion)</p>		<p>and Members Services liaising with Democratic and Constitutional Services</p>
<p><u>Royal Visits and events in relation to the Monarchy</u></p> <p>(Outside event – Full civic insignia – Robes, cuffs, neck tab, chains and hat)</p> <p>(Inside event – the hat can be removed; all other insignia remains)</p>	Anytime	<p>Royal visits are typically organised via the Lieutenancy Office liaising with Executive & Members Office to ensure availability of the Mayoral Party</p>
<p><u>Cathedral Mayors Installation Service</u> (To install the Mayor in their seat in the Cathedral. Also an opportunity to formally seek spiritual blessing and guidance for the new Mayor throughout their term of office.)</p> <p>(Robes, cuffs, neck tab and chains)</p>	June	<p>Peterborough City Council Executive and Members Services liaising with Cathedral</p>
<p><u>Town Hall 'Open Day'</u></p> <p>(An opportunity for any member of the public to visit the Town Hall or Sand Martin House, meet the Mayor and see displays about the Council's role and services. Light refreshments are served, where possible by pupils from a senior school in the Mayor's ward.)</p> <p>(Chains only)</p>	June	<p>Peterborough City Council Executive and Members Services</p>
<p><u>The Mayor's Civic Service</u></p> <p>(A service at a place of worship in the Mayor's own ward.)</p> <p>(Robes, cuffs, neck tab and chains)</p>	Timing is at the Mayor's discretion	<p>Peterborough City Council/the Mayor's selected place of worship Executive and Members Services in liaison with nominated Church</p>
<p><u>Traditional opening of Bridge Fair</u></p> <p>(The Mayor opens the fair at The Embankment, and the fair master takes the mayoral party and guests – including mayors from other local authorities in the area - on a tour of the fair; afterwards, guests are traditionally invited to join a 'sausage supper' at the Town Hall or Sand</p>	First Tuesday in October	<p>Peterborough City Council Executive and Members Services</p>

<p>Martin House, the proceeds of the tickets for which go to the Mayor's charity fund.)</p> <p>(Robes, cuffs, neck tab and chains)</p>		
<p><u>Remembrance Sunday Service and Parade</u></p> <p>(The service is preceded by a military and civic procession from the Town Hall to the cathedral, where wreaths are laid at the war memorial prior to the service and followed by a military parade with a march past the Town Hall at which the mayoral party takes a salute outside the Town Hall. The civic procession follows back to the Town Hall, and a wreath above the Town Hall front door is unveiled.</p> <p>(Robes, cuffs, neck tab and chains)</p>	November	The wreath laying service and civic procession is organised by the Executive and Members Services Team in liaison with the Royal British Legion and the Cathedral.
<p><u>Two Minutes' Silence</u></p> <p>(A short service takes place at 11am on Armistice Day at the War Memorial. It is preceded and followed by a civic procession to and from the Town Hall. The vicar of St John's Church presides at the service and is joined by the mayoral party and the President of the Royal British Legion.</p> <p>(Robes, cuffs, neck tab and chains)</p>	November	Organised by the Executive and Members Services Team in liaison with Royal British Legion representatives
<p><u>Holocaust Memorial Day</u></p> <p>(A local event linked to this national day, often comprising a museum exhibition and an outdoor service representing as many of Peterborough's communities as possible. Remembering past tragedies and promoting harmony and tolerance.)</p> <p>(Robes, cuffs, neck tab and chains)</p>	January	Peterborough City Council, in partnership with community representatives and Executive and Members Services
<p><u>Fly the Flag Events such as Commonwealth Day, Armed Forces Week, Red Ensign, Windrush, NHS Day, 999 Emergency Services Day plus others as noted.</u></p> <p><u>See 10.2</u></p> <p>(Robes and chains)</p>		These events are typically national flag raising days and are organised by the Executive & Members Office

<p><u>Freedom Parade</u></p> <p><u>See 10.3</u></p> <p>(Robes, cuffs, neck tab and chains)</p>		<p>These parades are at the request of the organisation and would be organised by Executive & Members in conjunction with the organiser.</p>
<p><u>The Mayor's Ball</u></p> <p>(This is the Council's major civic social event of the year, open to anyone upon purchase of a ticket. The proceeds go to the Mayor's charity fund. Fundraising activities associated with the Ball are the responsibility of the Mayor's voluntary Charity Committee, but the Mayoral Services Team organises the Ball itself.)</p> <p>(Robe, cuffs, neck tab and chains to welcome guests)</p> <p>(Chains only for dinner)</p>	<p>May</p> <p>Now generally scheduled as the Mayor's Finale Ball</p>	<p>Organised by Executive and Members Services and supported by the Mayor's Charities.</p>

**** Dress expectations will take into account weather conditions.**

- 10.2 Other civic events may be arranged during the year and include Fly the Flag events for the Commonwealth, Armed Forces, Red Ensign (Navy), 999 Emergency Services Day and Windrush Day. This can include, for example, parades or civic receptions for visitors or events of major significance (such as a visit from the civic party representing one of the Council's twinned authorities) or associated with the opening of a major festival. Executive and Members Services Team will ensure that the Mayor and guests are invited and will also arrange any reception required at the Town Hall or Sand Martin House.
- 10.3 A Freedom Parade may be requested by a military organisation which holds the freedom of the city of Peterborough, when it wishes to exercise its right to march through the city. Such a parade would be organised by the organisation but hosted by the Peterborough City Council which will join in the planning of the event. If the City Council decides to award the honorary freedom of the city or alderman status to a person or organisation, this will involve a special Council meeting to determine whether or not to award the honour, followed later by a ceremony to make the award which will be arranged by the Council's Executive and Members Services Team in conjunction with the recipient of the honour.
- 11. Civic hospitality**
- 11.1 Civic hospitality, such as light refreshments, may be offered to civic events, and when the Mayor receives visitors in the Mayor's Parlour. This would usually arise on occasions such as those which promote Peterborough, or which reciprocate civic hospitality extended to Peterborough's representatives upon an earlier visit elsewhere, or which recognise important voluntary work for the benefit of Peterborough's citizens.
- 11.2 Such hospitality will usually be organised and funded by the Council's Executive and Members Services budget, but significant commitments instigated by a service department would require support and contributions from the lead service department. The Mayoral hospitality budget and programme are managed by the Head of Constitutional Services and Executive and Members Services Manager, in consultation with the Leader of the Council and the Chief Executive, who may be requested to approve funding for special events over and above the civic hospitality cash

limited budget when this would be in the best interests of Peterborough. Any other civic hospitality commitments that the Mayor wishes to incur will be met by the Mayor personally.

- 11.3 Members of the public are able to write and request a tour of the Town Hall public rooms. The Executive and Members Services Team will accommodate such requests wherever reasonably possible. Upon such occasions, the Mayoral Support Officer will accompany the visitors and explaining the history of the public rooms and the Council’s civic procedures. This activity is often associated with educational visits, by students or younger children. A small charge may be levied, to cover the Council’s reasonable costs.

12. Civic dinners

- 12.1 At formal civic dinners, guests are received at an opening reception by the Mayor and their consort, accompanied by the Deputy Mayor and their consort.
- 12.2 After the reception, guests are invited to the dining room. A seating plan will be pre-arranged by the Executive and Members Services Team. At the top table, the principal guest will be seated at the Mayor’s right while the Mayoress/Consort is placed at the Mayor’s left. The principal guest’s partner takes the seat next to the Mayoress/Consort.
- 12.3 If the Mayor and Deputy Mayor are robed, while guests are moving from the reception to their seats the Mayor and Deputy may remove their robes. They will retain their chains of office, as will the Mayoress/Consort and Deputy Mayoress/Consort. When the Mayor and Mayoress/Consort are ready, the Mayoral Support Officer will announce their arrival to the assembled guests, and they will then be ‘clapped’ to their places.
- 12.4 Prior to the guests being invited to sit down, the Mayor’s Support Officer will announce that the Mayor’s Chaplain or other designated person will say grace. Guests will then sit, and dinner will be served. Following the meal, toasts will be called. The first will be the ‘Loyal Toast’ to the monarch, proposed by the Mayor or the Leader of the Council. All present should be asked to stand and the Mayor/Leader will say “The King”. No other names or persons are added to the ‘Loyal Toast’. Other toasts will follow as listed in the printed menu.

13. Civic gifts

- 13.1 It is common practice for the Mayor and Deputy Mayor to be given gifts when attending external functions in their official capacity. Gifts are also often exchanged when delegates visit Peterborough. It is custom and practice that the Mayor or Deputy Mayor receives such gifts on behalf of the City Council, and they are forwarded to the Mayor’s Support Officers for entry on the civic inventory and displayed as appropriate.
- 13.2 Small gifts, such as badges or pens which are clearly indicated as a personal gift for the Mayor or Deputy Mayor, may of course be kept. They Mayor and Deputy should have regard to the Code of Conduct for Councillors when deciding whether to receive and keep such gifts and should ensure that they are recorded in the hospitality register as required by the code (currently, this requires as a minimum that all gifts valued at £50 or over should be recorded). Gifts which the Mayor or Deputy receive in their official capacity are recorded in a register held by the Executive and Members Services Manager; any gifts received in their capacity as an elected councillor are recorded in the register applicable to all councillors, held by the Director of Law and Governance.
- 13.3 The Executive and Members Services Manager obtains civic gifts, as required, with agreement from the Head of Constitutional Services. These are used upon the following types of occasion:

Gift purpose	Typical example of a gift which may be given (this list is for guidance only)

Ambassadors and other visiting dignitaries representing a city elsewhere and gifts taken to the City Council's twinned and friendship cities during official visits	Possibly a clock or other suitable item, engraved with the Peterborough crest.
Small gifts for visitors such as volunteer organisations, youth organisations, etc.	Mayors Badges

13.4 The list above is not exhaustive. The Head of Constitutional Services and Executive and Members Services Manager ensure that expenditure is controlled carefully, while ensuring that the dignity of the occasion and/or the contribution of the recipient is properly reflected.

14. European and overseas links

14.1 Peterborough has official 'twinning' (partnership) links with Bourges in France, Viersen in Germany, Alcalá de Henares in Spain, Forlì in Italy and Vinnitsa in the Ukraine. The Council also has a number of friendship links.

14.2 The Mayor, as the representative of the City, is often invited to attend civic ceremonial functions, business conventions, events and exhibitions in Peterborough's partner cities. The Mayor may be offered the opportunity to undertake a visit to one of the twinning Towns, which is determined by budget constraints. This is to be discussed with the Head of Constitutional Services and Executive and Members Services Manager. The Mayor may accept additional invitations to visit Peterborough's twin towns if they incur the costs personally.

14.3 In the event that the Mayor is unable to attend a civic/partnership invitation, reference should be made to Part 3 – paragraph 3.7: The Mayor's Civic Role, for the procedure to be followed.

14.4 If an invitation to visit Peterborough is extended to a Mayor or other delegates from any of Peterborough's partner cities, on behalf of the Council, the general expenses of the visit will be funded from both the Executive and Members Services Budget and other partner organisations. On occasions, the Mayor may host a civic reception for the visitors, the Executive and Members Services budget may provide the funding - subject to budget constraints and approval from the Head of Constitutional Services and Executive and Members Services Manager.

15 Council Honours

15.1 One of the roles of the Constitution & Ethics Committee is to receive and consider nominations for Council honours, including Freedom of the City, Honorary Alderman, Civic Awards and National Honours, and make recommendations to Full Council or to other relevant bodies on behalf of Full Council.

Civic Awards

15.2 All group nominations must be endorsed by one supporter, who must not be involved in running the group, or be a partner or relative of anyone in running it. A volunteer with the group or a beneficiary of its services may act as a supporter, but if they do, an additional supporting letter may be required. The criteria for a group nomination is: -

- provide a high-quality service to benefit individuals or groups in the community
- operate and provide a service in Peterborough
- must have been operating for a minimum of 3 years (exceptions may be made for short-term projects), and
- must be made up entirely of volunteers (including trustees), or it includes some paid staff, but they must be in the minority of those involved.

15.3 All individual nominations must be endorsed by one supporter, who must not be a partner or relative to that individual. The individual must show extraordinary achievements and contributions. Some examples of categories for an individual nomination are: -

- Public service nurses, doctors, teachers, civil servants, police officers
- Exceptional service to the local community
- Involvement in business and industry
- Scientists
- Arts practitioners and administrators – artists, actors, musicians, writers etc.
- Involvement in sport
- Journalists and broadcasters

15.4 The Constitution & Ethics Committee will consider nominations and make recommendations to an extraordinary meeting of Full Council.

16 Freedom of the City of Peterborough

16.1 Freedom of the City may be offered in accordance with the provisions of section 249 (5) of the Local Government Act 1972 (as amended by section 180 of the Local Government Planning and Land Act 1980). Nominations will be considered by the Constitution & Ethics Committee with recommendations made at an extraordinary meeting of Full Council.

16.2 The freedom may be awarded to an individual or an organisation such as a local branch of a military organisation or a locally based volunteer emergency service. It is awarded where the person or organisation has made a significant contribution to the social fabric or well-being of the citizens and city of Peterborough.

16.3 Persons awarded the freedom, including leading representatives of organisations so honoured, are invited to all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in the order of precedence indicated earlier in this protocol.

16.4 In order to award the freedom, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award the freedom must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour. This may include a freedom march, in the case of a military honour. All recipients are noted on the plaque outside of the Council Chamber.

16.5 Military organisations awarded the freedom may exercise the right to march through Peterborough. On such occasions, the Council will offer civic hospitality – referred to earlier in this protocol.

17 Honorary Alderman

17.1 Honorary Alderman may be offered in accordance with the provision of section 249 of the Local Government Act 1972. Nominations should be made by Group Leaders on behalf of their groups to the Constitution & Ethics Committee, who will make recommendations to an extraordinary meeting of Full Council.

17.2 Alderman status may be awarded to a past Councillor, who has served a minimum of three terms or 11 years of office and that are considered to have rendered eminent services to the Council.

- 17.3 Past Councillors awarded Alderman Status are invited to attend all civic events organised by the Council and also to Mayor's charity events. They are invited to participate in civic processions, in the order of precedence indicated earlier in this protocol.
- 17.4 In order to award Alderman Status to past members of the Council, the Council must hold an extraordinary meeting convened for that purpose only. The decision to award Alderman Status must, as a legal requirement, be supported by not less than two-thirds of those present and voting at the special convened meeting. Once the decision has been made by Council, a separate ceremony will be arranged later to mark the presentation of the honour.

18 The Mayor's charities and the Charity Committee

- 18.1 At the Annual Council Meeting, the Mayor will announce the charity or charities for which they will support and promote fundraising activities during the year. It is usual for these to be locally based charities which are able to supply a small number of dedicated volunteers who can form the Charity Committee during that mayoral year together with a larger number of volunteers who can devote time to running fundraising events. The Mayor of Peterborough Charities is now registered as a charity with the Charity Commission and Trustees need to be identified from the Committee and registered with the Commission.
- 18.2 It is the Mayor's responsibility to convene their Charity Committee at the start the mayoral year – preferably, the committee members will have been identified earlier, once the Mayor-Elect is identified in January. At the inaugural meeting, the committee will appoint its chairman and secretary. The Head of Constitutional Services will give guidelines as to what is expected of the charity members and the Executive and Members Services Team during the mayoral year.
- 18.3 The Executive and Members Services Manager is normally appointed as treasurer at the AGM Charity meeting, along with Chair and Secretary. The Executive and Members Services Team can provide assistance with printing of posters and tickets for charity event. However, the Mayor's Ball and the Sausage Supper, are civic events planned, organised and co-ordinated by the Executive and Members Services Team, even though the proceeds of them go to the Mayor's charities. The Head of Constitutional Services act as a trustee for this committee.
- 18.4 The Charity Committee will organise and run their events; collect tombola and raffle prizes; and actively help to promote, sell tickets and seek sponsorship.
- 18.5 The Executive and Members Services Manager records and receipts all monies from fundraising events in the charity bank account, reports a statement of the account at each committee meeting and presents cheques to the Mayor's chosen charities at the end of the Mayoral Municipal year, usually at an informal presentation in the Mayor's Parlour. At the end of each Mayoral year, PCC's internal audit team review the accounts for that year.

19 The Mayor's and Deputy Mayor's allowances

- 19.1 Sections 3(5) and Sections 3(4) of the Local Government Act 1972 provide for the Council to pay to the Mayor and Deputy Mayor respectively an allowance to help with the expenses incurred in fulfilling their office. The allowance is determined by Council, and the amount currently in force is stated in the Members' Allowances Scheme. Although not required by law, the Council may consult its independent Remuneration Panel as to the level of payment which is appropriate in each case.
- 19.2 The types of expenditure which Peterborough City Council expects its mayor's allowance, which is retained by the Executive and Members Services Manager to cover are the provision of any tickets purchased for the Mayor and their consort as part of functions attended in the capacity of mayor (such as for a dinner); the Mayor's tickets to their own charity events and the Mayor's Ball; the cost

of their ward civic service and refreshments. Any unused balance in this account at the year-end is returned to the Council's general fund and offered as a saving to this budget area.

19.3 The Deputy Mayor's allowance is to cover their personal expenses, and those of their consort, similarly to the Mayor's allowance.

19.4 An element of the allowance to the Mayor and Deputy Mayor is paid to them directly via their members' allowance, and this is intended to cover expenditure (such as clothing, dry cleaning, travel, telephone, postage and purchase of items (i.e. raffle tickets when attending events))

19.5 The Mayor's and Deputy Mayor's Allowances are identified at Part 6, paragraph 4, of the Constitution (Members' Allowances Scheme).

20 Administration and funding of the mayoralty and civic service

20.1 The Head of Constitutional Services and Executive and Members Services Manager are responsible for civic and ceremonial matters, with the Chief Executive retaining an important leading role as Council's most senior officer.

20.2 Executive and Members Services runs the Mayor's office. This includes arranging civic and ceremonial events, keeping the Mayor's diary and accounts, assisting with the organisation of the Mayor's Charities, liaising with organisations and individuals on the Mayor's behalf and generally briefing, advising and supporting the Mayor and Deputy Mayor in carrying out their duties.

20.3 The Mayor is also assisted by the Mayoral Support Officer who acts as City Mace Bearer. They also accompany the Mayor at Council meetings and civic events, and when guests are received in the Mayor's Parlour. The Mayor's Attendants are responsible for civic regalia, assists the Executive and Members Services Team in providing civic hospitality and also hosts visitors such as students who visit the Town Hall or Sand Martin House on educational visits to learn about its history and the Council's civic procedures.

20.4 The Mayor's Support Officers are responsible for transporting the Mayor in the mayoral car for official duties. Every effort is made to make maximum use of the vehicle so, as far as is possible, the mayoral car is also used for transporting the Deputy Mayor upon official business - although the Mayor's use takes precedence and alternative transport is sometimes necessary for the Deputy Mayor. The car is not used by the Mayor or Deputy Mayor's consorts, except when associated with accompanying the Mayor or Deputy on official business. Wherever possible, the mayoral party travels together in order to avoid the need for several separate journeys to and from events. It is the Executive and Members Services Manager's responsibility to schedule the use of the car. The Chief Executive is authorised to replace the vehicle every five years, or in accordance with the leasing arrangements and this should be the most cost-effective option for the Council. The following guidelines will be applied in respect of procuring a replacement:

- a) The vehicle will be at the lower end of the emissions scale for cars
- b) The vehicle will, if possible, be generally regarded as 'British' or with British connections
- c) The vehicle will, if possible, be electric, in accordance with the Carbon Management Plan

20.5 At major events, assistance is also provided by the Beadles. In particular they assist with security and also civic hospitality.

20.6 The Council's corporate civic budget is controlled by the Head of Constitutional Services and managed on a daily basis by the Executive and Members Services Manager. The account covers civic hospitality as described at section 11 above, the Mayor's and Mayor's Office expenses, funding of civic events, civic gifts, maintenance of civic insignia and other such civic expenses.

- 20.7 In order that expenditure upon civic matters is clearly identifiable, the costs of other support will be charged to the civic account as necessary such as car parking and road closures. In order to minimise such costs, use of car parking permits will be restricted to major civic events.
- 20.8 At the close of each mayoral year, the Executive and Members Services Manager will arrange for the Mayor's name to be engraved on the plaque upon the wall outside the Mayor's Parlour. A portrait photograph of the Mayor, and their consort at the Mayor's discretion, will also be obtained and hung in the Parlour.
- 20.9 Every year a full Council photograph will be taken prior to the Annual Council meeting. The current photograph will be displayed in the Town Hall and on the Council's website, and a selection of past photographs will also be displayed where space allows.

Peterborough City Council

Media and Pre-Election Publicity Protocol

This document provides guidance on best practice in relation to Peterborough City Council's publicity and media relations activity. It also covers the protocols to be followed by members and officers in the run up to an election.

It should be read by members and officers involved in publicising the Council, in conjunction with the more detailed media guide available from the Communications Team.

The role of councillors in media relations activity is covered in some detail. General advice for officers is also included, but more detailed guidance is available from the media guide.

The protocol is to be reviewed after one year of operation.

1. INTRODUCTION

These protocols provide guidance on best practice in relation to Peterborough City Council's publicity and media relations activity. 'Publicity' covers any communications, written or verbal, issued to the public at large or to a section of the public, including publications, conferences, advertising, marketing, consultation, community campaigning, exhibitions, public meetings and the council web site.

Local authorities are accountable to their communities, and the protocols are based on the council's belief that the public has the right to know what the council is doing, the results of its actions and its policies and plans.

The key objectives and methods for the council's publicity are stated in the council's communications strategy.

2. LEGAL FRAMEWORK

The council's publicity activity operates within the terms and spirit of a legal framework set out within the Local Government Act (1986, 1988 and 2000) and the Code of Recommended Practice in Local Authority Publicity (1998 and 2001).

In particular, the following aspects of the legislation and code should be noted:

- Any publicity describing the council's policies and aims should be objective, informative and accurate - concentrating on facts or explanations or both. It should not be designed to persuade people to hold a particular view. However, controversial issues should still be tackled, and should not be oversimplified.
- A local authority must not publish, or assist others to publish, any material which, in whole or in part, appears to be designed to affect public support for a political party. Personalisation of issues and personal image-making should be avoided.
- Publicity should not undermine generally accepted moral standards
- Information should be made available to all those who want or need it, taking particular care with vulnerable sections of the community

These principles underpin the council's approach to publicity at all times. The framework also applies to any other organisation's publicity available to the public in council premises.

3. SCOPE OF THESE PROTOCOLS

This document refers to publicity generated by or through the City Council, or labelled as Peterborough City Council's view or position.

It does not cover any issues raised directly by councillors with the media, or by the media with members. Members are, however, advised to ensure that the principles enshrined in these protocols are not undermined by direct contact.

Organisations to which the council has given grant aid are usually required to publicise that fact. When undertaking such publicity, the organisation should adhere to these guidelines.

4. APPROACH

In carrying out the provisions of these protocols, the approach should be to accommodate requests unless there is a clear, documented reason not to do so.

Any disagreement about the application of the protocols, or conflict arising from them, will be raised with the Chief Executive who will discuss the matter with the Leader of the Council in order to seek resolution.

5. GENERAL MEDIA ACTIVITY

- Proactive media relations work to promote the council is carried out by the Communications Division in liaison with relevant officers and service departments and, where appropriate, the Leader of the Council, Deputy Leader, Cabinet members and/or Committee Chairmen. This proactive activity includes the promotion of policies, future plans, services, initiatives, events, public consultations and the results of council actions.
- In order to maximise councillors' opportunity to provide comment to the media, the Communications Division will provide all local media contacts with a list of city councillors and their contact details, political affiliation, the ward they represent and any positions they hold within the council. A list is also available on the council's website, www.peterborough.gov.uk
- Councillors may contact the media directly, and respond to media enquiries. If the views expressed are personal ones rather than those of the council, councillors should make every effort to ensure that this is made clear to the media.
- If members are asked to comment on an issue with which they are unfamiliar, they are not obliged to provide comment straight away 'on the hoof'. It is recommended that they contact the Communications Team for advice, and for clarification of the position, before proceeding.
- No member or officer will be quoted in a news release without their prior approval and will receive a copy of the release for confirmation.
- The Leader of the Council will receive all news releases for information prior to issue.
- All news releases are posted on the council's website, www.peterborough.gov.uk and hard copies are available from the Communications Division.

6. COUNCILLORS WITH DESIGNATED RESPONSIBILITIES

The council may publicise the views and contact details of councillors when they (councillors) are speaking on behalf of the council as part of their designated responsibilities, for example:

- councillors representing the council, a council division, an executive function, an agreed overview and scrutiny committee position or a jointly agreed overview and scrutiny committee group representatives' position; or
- lead councillors appointed by the council to an area or partnership committee, inter-agency, regional or national body.

However, it will not always be appropriate, or necessary, to include quotes from members, e.g. for minor operational issues or in the period before an election (see Section 8).

Full media protocols for Cabinet, overview and scrutiny committees, regulatory committees and executive decision notices are attached at Appendix 1.

7. COMMUNITY LEADERSHIP AT LOCAL LEVEL

The work of local councillors is an important contributor to the council's community leadership role. Where the council is publicising a local issue, the following protocols will be followed:

- The relevant lead officer will notify councillors prior to the issue of a news release pertaining to their ward and will make every effort to inform them of incoming media enquiries relating to major issues in their ward.
- Lead officers, in consultation with the Communications Division, will invite councillors to attend photocalls that relate to issues/activities within their ward. Whilst every effort will be made to arrange photocalls at mutually convenient times, media schedules mean that the dates and times of these photocalls cannot be organised primarily around councillors' availability.
- Full consideration will be given to the inclusion of quotes from councillors in news releases pertaining to their ward, alongside a quote from a relevant council officer.
- Councillors have the option for their name, political affiliation and contact details to be included in the 'notes to editors' on news releases pertaining to their ward. Ward councillors' details are also available from the council's website, www.peterborough.gov.uk
- The council or the media may approach members to provide comment where a major event or incident affects the community they serve and requires immediate action. If councillors are approached directly by the media they are not obliged to provide comment 'on the hoof'. As stated in Section 5 above, it is recommended that they contact the Communications Team for advice, and for clarification of the position, before providing comment.

In addition, individual councillors may be quoted in the following circumstances:

- In council news releases, where they have designated responsibilities (see Section 6).
- Where they are successful in securing council, executive or overview and scrutiny committee support for an issue in the public interest, e.g. adoption of a new policy, agreement to fund or maintain a new service or support for a policy proposal.
- Where they hold a personal (i.e. non-council) position and are providing an expert view on an issue in this capacity.

8. POLITICAL AND GROUP STATEMENTS

- Political groups are responsible for issuing their own personal or group statements, and media releases. Councillors making such statements should make every effort to ensure their views are not construed as official council statements. Such news releases must be paid for by the member or party concerned.
- Any requests for political comments will be referred to the appropriate group leader or group representative.

9. MEDIA RELATIONS SUPPORT FOR MEMBERS

Councillors are encouraged to promote their work and to contact the Communications Team for advice. However, the Team will only initiate media activity that falls within the legal framework and scope outlined in Sections 2 and 3 above.

Where the Communications Team is unable actively to initiate media activity for councillors, the following support is available from the Team to enable members to develop their own media opportunities:

- Media training
- A media guide providing advice on how to develop a story for the media
- Up-to-date contact details for the local media
- Ad-hoc advice on how to handle the media

In addition, administrative support (e.g. typing news releases) is available from the Member Services Unit for publicity that falls within the framework outlined in Section 2 above.

10. ELECTIONS – PUBLICITY PROTOCOLS

From the date of notice of an election, up to and including election day, the council is required by law to observe the national code of conduct provision that it will not publicise:

- controversial issues; or
- a view or policy in a way that identifies it with one member or group of members.

Further, from one month before an election, the council has determined that the following protocols must be observed:

10.1 Dealing with Requests from Councillors, Candidates and MPs

- Officers will be even-handed and as helpful as possible to all candidates (including MPs) standing for election and must not act in a manner likely to increase the support of one party over another.
- Requests for action from election candidates should be treated on strict merit in accordance with current policy. Any proposal to give priority action to any matter arising from election campaigning should be cleared at director level.
- Officers should take particular care when accepting requests for action to be taken in areas of council activity that are particularly sensitive, or where activity has been deferred pending the outcome of the election.
- Officers will not provide any information that is not available to the general public unless a councillor can demonstrate a 'need to know' the information in accordance with the procedural rules in the council's constitution. Any information that is made

available to an MP must be provided to all the Parliamentary candidates for that constituency.

- Members and MPs must not seek to obtain privileges or publicity from the council for any candidates, including themselves, in relation to obtaining confidential information, visiting council establishments, use of council premises and use of officers' time.

Appendix 2 shows in a flow-chart how these protocols would apply to different situations.

10.2 Publicity – General Provisions

- Publicity must not deal with controversial issues or appear to support a point of view in a way that is identifiable as the view of one political party or another.
- There must be no proactive publicity promoting particular candidates or other politicians involved directly in the election.
- Officers should not take part in any publicity that links them with any political party or candidate, including requests from members for officers to speak in their ward.
- It is unlawful for the council to incur any expense with a view to promoting the election of a candidate, including producing publicity material such as circulars, publications or advertisements; presenting the candidate or their views; or disparaging another candidate.

10.3 Media relations

In respect of major incidents or emergencies outside the council's control, where the community requires clear leadership from the council, it may be appropriate for the council to arrange for members in key positions to comment.

When dealing with the media, officers should take particular care to 'stick to the facts' and not be drawn to comment on contentious/controversial issues or on promised new policies or initiatives. They should not be seen to take any particular side in an area of contention or political dispute.

The council's Communications Team can assist in all dealings with the media in the run-up to an election. This includes advice on:

- briefing journalists;
- arranging interviews and photo opportunities with staff and residents; and
- escorting press and camera crews around buildings.

10.4 Events and Speaking Opportunities

Publicity events arranged during this period should not as a general rule involve members. However, elected member leadership is important at some key events, and in such cases the council must seek the involvement of representatives from all political parties to ensure an even-handed approach.

Individual candidates should not be invited to council functions as speakers or guests unless all other relevant candidates are offered a similar opportunity. Similarly, any public or private debate/talk organised through a school or other council premises should only be held if all political parties are given the opportunity to take part.

Officers should not accept invitations from individual members or candidates to speak within their ward.

10.5 Posters and Election Material

All election material must include the name and address of the printer and publisher. Any concerns about inappropriate electoral material are a matter for the National Electoral Commission.

Posters and election material must not be displayed in any city council office or establishment, including council-owned community centres, or on cars used for official business by council employees or which are parked in a council car park.

Similarly, no such material should be displayed by a contractor engaged on council business. Officers should proactively monitor this.

10.6 Visits and tours

Visits may be arranged for councillors and candidates to residential and other establishments in their area, but it is important that a fair and consistent approach be taken. It is recommended that heads of establishment should allow only one visit by each local councillor/candidate in the run-up to the election, and that visits are pre-planned to minimise disruption.

Tours should be escorted by a responsible member of staff.

When representing their national political party, MPs holding government office or designated as Shadow or other party spokesmen may visit any council establishment provided prior approval is given by the Chief Executive or the service director. As normal, prior notification of any such visit must be given to the council's political Group Leaders.

10.7 Use of Photographs

General photographs of the outside of council premises may be used for publicity, so long as they do not exploit or indicate the views of the city council or any of the students, residents or staff working on those premises.

Photographs of staff, students or other council clients may only be used if prior consent has been obtained from the head of establishment.

10.8 Use of Premises

Between the notice of election and the day before polling day, candidates are legally entitled to hold election meetings at any reasonable time in publicly funded venues.

The following guidelines apply:

- No charge will be made for room hire, but candidates may be asked to cover caretaking costs (preparing/restoring the room, heating, lighting, cleaning, catering etc.) and they will be asked to pay for the repair of any damage caused whilst they are using the room.
- Applicable venues include publicly funded schools and any public room, hall, gallery or sports hall that is commonly let for public meetings. Candidates may not use premises in an adjoining ward or constituency if there is a suitable room within their own ward/constituency that is reasonably accessible.
- Meetings must be held at a reasonable time, i.e. one that does not interfere with the usual use of the room (e.g. as a classroom) or with prior bookings.
- The council cannot refuse to allow a candidate to use a room on the grounds of its disapproval of the candidate's views.
- The council (as local education authority) must prepare and keep revised lists of rooms in schools (and elsewhere) that candidates may use. This should include details of the person to whom applications to use the rooms should be made. These lists should be forward to the Electoral Registration Officer for inspection by candidates or their agents at reasonable hours.
- School premises must be used for public meetings only (i.e. meetings that are open to the general public and not limited to ticket holders) and not as committee rooms to promote or procure the election of a candidate.

Control at public meetings:

Under common law, any persons causing a disturbance may be ejected, if necessary, using reasonable force. The Police have power to control public assemblies of 20 or more persons and they should be advised as early as possible of any public meetings that are likely to attract a substantial number of people. Their advice should be taken.

Media Protocols for Council, Cabinet and Committee Meetings and Executive Decision Notices

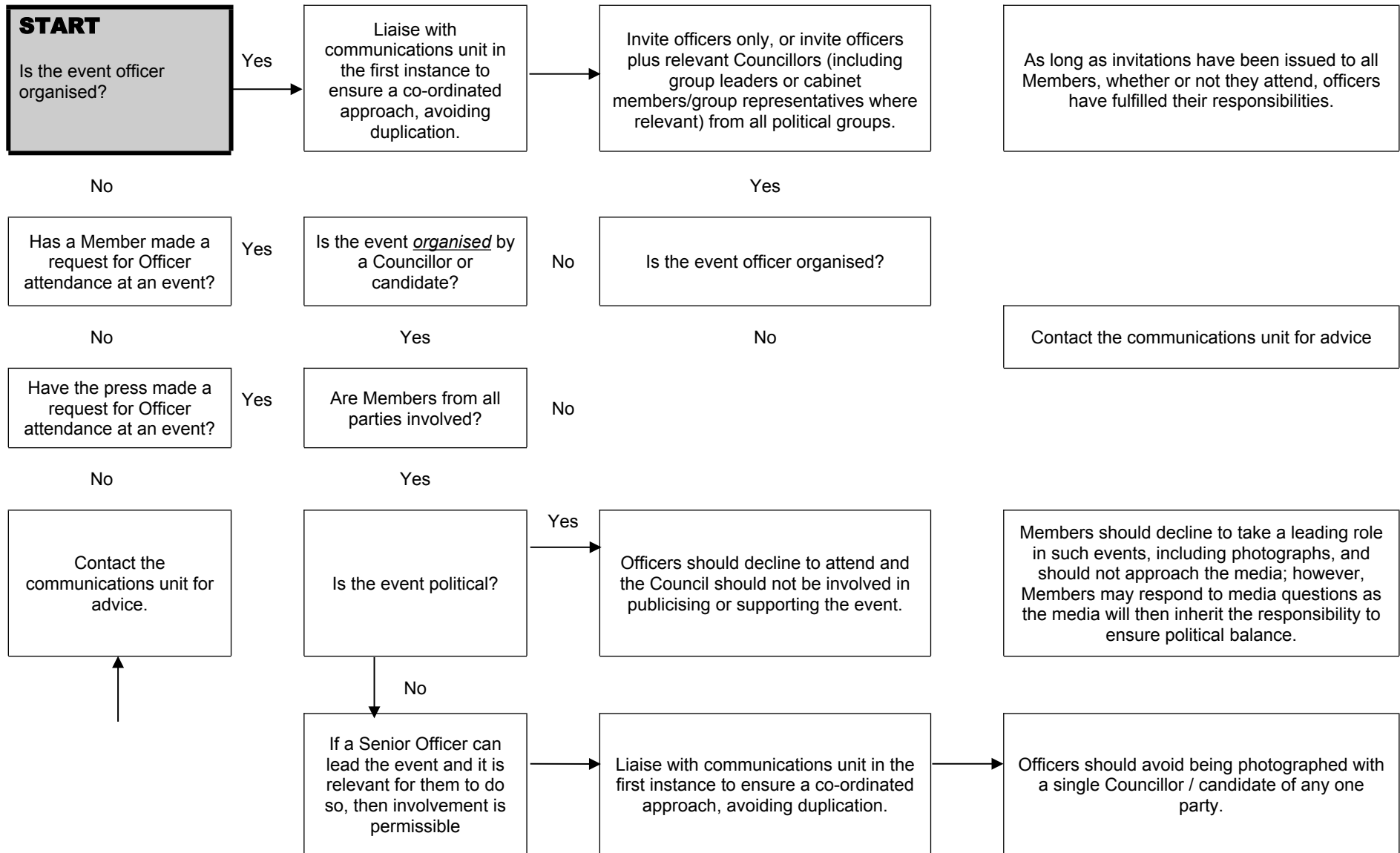
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Committee/Event	News Releases	Media interviews before meetings ⁽¹⁾	Media interviews after meetings ⁽¹⁾	Notes
Cabinet Meetings	<ul style="list-style-type: none"> The Communications Team will look to issue news releases on key issues ahead of Cabinet meetings, along with Cabinet papers. News release subjects will be agreed with the Cabinet member or Leader of the Council and relevant officers. News releases will quote the Leader of the Council or lead cabinet member 	<ul style="list-style-type: none"> Interviews may be given by the Leader of the Council or lead cabinet member on policy, budget and service issues ⁽²⁾ 	<ul style="list-style-type: none"> Interviews may be given by the Leader of the Council or lead cabinet member on policy, budget and service issues ⁽²⁾ Officers may give interviews on service issues 	On major issues, arrangements will be made for the media to be briefed by the Leader of the Council, Deputy Leader or lead cabinet members as appropriate, along with the relevant service director.
Overview and Scrutiny Committees	<ul style="list-style-type: none"> An overview and scrutiny committee can initiate a news release at any time so long as it represents the committee's view. It must be consistent with the intent of scrutiny, i.e. to achieve a culture of openness, co-operation and continuous improvement throughout the council. If issues arise between meetings, a committee's group representatives may issue a joint release provided they are all in agreement. 	<ul style="list-style-type: none"> The chairman of the relevant scrutiny committee will conduct all media interviews on overview and scrutiny matters, unless the chairman decides otherwise. In his/her absence, the vice chairman may be asked to substitute, or a group representative may substitute if all of the other group representatives so agree. 		Where publicity relating to an overview and scrutiny committee brings into question a matter of council policy, the Communications Team will advise the relevant director, the Chief Executive and the Leader of the Council.
Regulatory Committees	<ul style="list-style-type: none"> News releases are not generally issued unless there is an issue of major significance to the community. Releases will only be issued following discussion with the committee chairman 	<ul style="list-style-type: none"> Officers may give interviews on service issues 	<ul style="list-style-type: none"> Committee chairmen or vice-chairmen may give interviews on policy and service issues, to confirm decisions made ⁽²⁾ 	News releases are not normally issued prior to planning meetings. In order to avoid pre-empting decisions, if a release is deemed necessary it will be purely factual and contain no quotes.
Executive Decision Notices	<ul style="list-style-type: none"> News releases are issued on major issues following discussions with the appropriate cabinet member and/or council director. News releases will quote the appropriate cabinet member 	Media interviews on executive decision notices will be given by the responsible cabinet member ⁽²⁾		All Executive Decision Notices are posted on the council's website.

(1) Individual committee members have the right to express their views to the media, even if it is not the majority view of the committee. Councillors making such statements should, however, make every effort to ensure their views are not construed as official council comments.

(2) If the nominated members are not available to speak to the media (e.g. short notice interviews), an appropriate officer will speak to the media, providing factual information only.

Pre-Election Protocol for Councillor and Officer Involvement and Attendance at Publicity Events



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Protocol on Selection of the Mayor

Peterborough City Council

PROTOCOL ON THE SELECTION OF THE MAYOR

Summary

The purpose of this protocol is to provide guidance to Members of the Council and to officers on the procedure for selecting the Mayor on an annual basis.

1. Election Year Procedure

- 1.1 Following the elections, a list will be compiled and an order of seniority drawn up. This order of seniority will reflect the actual number of years served by each Member, regardless of any breaks in service.
- 1.2 Where new Members are elected for the first time they shall be placed at the bottom of the Council's order of seniority list. The order will be allocated according to the number of votes cast for the new Member, expressed as a percentage of the total ward electorate eligible to vote on the day of poll with the Member achieving the highest percentage point across the City placed at the head of the list and the other new Members following in percentage point order.
- 1.3 The Member at the top of the list of seniority will be eligible for the role of Mayor, provided that they have not previously served as Mayor, and the Member and Group Leaders will be notified accordingly.
- 1.4 The Member may opt to decline the offer of the position. In this case, the Member declining the role will be retained in the order of seniority list, but will be marked as having declined to take up the role. The Member will be re-considered for the role the following year.
- 1.5 Once the Member has accepted the role, a proposer will be sought to nominate the Member at the Annual Council Mayor Making Meeting.
- 1.6 Neither the Leader, nor any Cabinet Member can be elected as Mayor or Deputy Mayor.

2. Non-Election Year Procedure

- 2.1 The non-election year procedure will follow the same procedure as for election years.

3. Deputy Mayor

- 3.1 The selection of the Deputy Mayor will be undertaken in accordance with the order of seniority list, following the same procedure for the selection of Mayor.

Petition Scheme

Peterborough City Council

Part 5 Section 9 – The Petition Scheme

1. Introduction

- 1.1 Peterborough City Council is always interested in feedback on our services and ideas for improvement.
- 1.2 There are local public consultations into matters affecting our city and details can be found on our website <https://www.peterborough.gov.uk/council/consultations/>.
- 1.3 Our public meetings are published on our website at <https://democracy.peterborough.gov.uk/mgListCommittees.aspx?bcr=1> and displayed in the noticeboards outside the Town Hall and Bayard Place. Please contact Democratic Services on 01733 747474 or email democratic.services@peterborough.gov.uk for further information.
- 1.4 Often a telephone call or email is all it takes to get a matter investigated and our Customer Services Team can be contacted on 01733 747474 or by email at customer.services@peterborough.gov.uk. Your enquiry will be directed to the relevant department. They will listen to your concerns or suggestions, try to resolve them and explain the current situation. This will achieve the fastest response.
- 1.5 A petition to the council should only be considered when all other avenues have been exhausted. This section of the constitution sets out what makes a valid petition, how to get the petition to the Council and what the Council will do once a petition is received.

2. Petitions that Cannot be Dealt with Through this Scheme – Planning, Licensing and Verge Parking Decisions

- 2.1 The following matters are excluded from this petition scheme:
- Any matter relating to an anticipate, current or past planning application or decision, including a development plan document or community infrastructure levy (a new local levy that authorities can choose to introduce to help fund infrastructure in their area.)
 - Any matter relating to a request for verge parking restrictions.
 - Any matter relating to an alcohol, gambling or sex establishment licensing decision.*

* A 'Licensing Decision' is:

- Any decision in relation to an application for the grant, variation or review of any authorisation under Part 3 or 4 of the Licensing Act 2003 (premises licences and club premises licences) or any hearing or appeal in respect of any such application.
- Any decision in relation to the application for the grant, renewal or transfer of a licence under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), a request for the variation of any term, condition or restriction contained in such a licence or the revocation of such a licence.
- Any decision in relation to any application for a licence, permit or registration under the Gambling Act 2005, a request for a variation of any term, condition or restriction associated with any such licence, permit or registration or the revocation of any such licence, permit or registration.

- 2.2 However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of this scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the Council's failure to deliver an effective service for planning applications would be within the scope of this scheme).
- 2.3 Comments and inquiries on licensing and planning applications including appeals should be made to licensing@peterborough.gov.uk and planningcontrol@peterborough.gov.uk respectively or by telephone to 01733 747474 and asking for either the Licensing or Planning Department.
- 2.4 Petitions in relation to a request for verge parking restrictions in a particular area should be made to vergeparking@peterborough.gov.uk. More information on this scheme can be found on the Council's website.

3. Guidelines for Preparing a Petition

- 3.1 To qualify as a petition the submission must meet certain criteria. The petition must:
- Clearly state the concern or problem to be addressed.
 - Clearly state what the Council is being asked to do.
 - Must be relevant to a function that the Council has a responsibility for and/or directly affects Peterborough inhabitants.
 - State who the lead petitioner is and include their contact details.
 - Must not concern a planning, licensing or verge parking application or decision.
 - Must not be similar to, or a duplicate of a petition submitted within the previous 12 months. Past petitions can be viewed on our website <https://www.peterborough.gov.uk/council/petitions>.
 - Contain at least 20 names, address and signatures of people living, working or studying in the area.
- 3.2 If the petition does not contain 20 signatures it can still be considered if the issue relates to a small local area. Further information is available from Democratic Services, Town Hall, Bridge Street, Peterborough PE1 1HG 01733 747474 or by emailing petitions@peterborough.gov.uk
- 3.3 The address given by those signing the petition must be within the Peterborough City Council area. People who work or study in Peterborough and are affected by the subject of the petition must use the address of their place of work or study to be counted. Email address are also required for online petitions. More information on e-petitions submitted online via the Peterborough City Council website can be found in section 4.
- 3.4 Petitions will not be considered if they are:
- Abusive.
 - Vexatious (intending to cause only annoyance, frustration or worry)
 - Presented for the purpose of making mischief.
 - Relates to a function the Council is not responsible for and/or could not influence.
 - Relates to a decision by the Council that has already been taken and there is no realistic possibility of a different decision being taken.
 - Otherwise inappropriate.
- 3.5 Reasons for rejection will be given to the lead petitioner in writing or by email where possible.

- 3.6 During the period before an election or referendum, known as Purdah, it could be necessary for a petition to be dealt with differently. Should this happen a full explanation will be given including any anticipated timescales.

4. E-petitions

- 4.1 Online petitions are the easiest way to submit a petition and can be created online via our website using the link:
<https://www.peterborough.gov.uk/council/petitions>.
- 4.2 The petition organiser will need to register using their own name, address and email address.
- 4.3 The petition must give a clear indication of the issue and the action required by the Council and comply with the petitions criteria set out in item 3.
- 4.4 The lead petitioner will decide how long the petition will remain open and available for signature.
- 4.5 The petition will be published on the Council website within five working days.
- 4.6 Should the petition not be suitable for publication the Council will contact the lead petitioner and will give advice on how the petition could be adapted and re-submitted. If the petition is not re-submitted within ten days the details will appear on our website and the status classified as “Rejected” or “Invalid”.
- 4.7 Once an e-petition has closed for signature Democratic Services will automatically be notified. There is no need for the lead petitioner to contact them separately.
- 4.8 E-petitions are signed by visiting our website <https://www.peterborough.gov.uk/council/petitions> where current e-petitions are available to sign online. A name, postcode and email address will be required and an email will be sent to the email address given to complete the process. It is important the information given is accurate.

Caution: there are some online petitions which will not be accepted by this Council as they do not comply with the terms of our scheme. If you are in any doubt and require advice please contact us at petitions@peterborough.gov.uk or 01733 747474 and ask for Democratic Services and we will be happy to help.

5. Paper Petitions

- 5.1 Petitions can be collected on paper and a template is included at Appendix 1. Using the template will ensure all relevant information is included.

6. Delivering a Petition to the Council

- 6.1 E-petitions created through our website are automatically sent to us once the time limit set for the petition has expired and there is no need for you to take further action at this stage as we will contact you within 5 days of the petition closing.
- 6.2 A paper petition can be presented to the Council in several ways:
- It could be delivered by post to Democratic Services, Town Hall, Bridge Street, Peterborough PE1 1HG.

- It could be handed in at the Town Hall.
- It could be handed to a Councillor.
The contact details of all Councillors can be found on our website at: <http://democracy.peterborough.gov.uk/mgMemberIndex.aspx?bcr=1>
- It could be emailed to petitions@peterborough.gov.uk.
- It could be delivered in person at a meeting of the Full Council or Cabinet. *Dates of the Council meetings are on the Council's website and displayed on the notice boards outside the Town Hall and Bayard Place. Council meetings take place approximately every six weeks. Details can be found at <http://democracy.peterborough.gov.uk/ieDocHome.aspx?bcr=1>. Democratic Services must be informed 10 working days before the meeting of your intention to present a petition. Full details must be received in writing or by email to petitions@peterborough.gov.uk by 12:00 noon on the working day before the meeting.*

6.3 If delivered a meeting the lead petitioner can present the petition themselves or ask someone else, such as a Councillor, to do so on their behalf. An officer in Democratic Services will be available to talk through the process beforehand.

6.4 The lead petitioner or their representative will have one minute to present the petition to the Council. The petition will be received without comment.

7. What Will the Council do when a Petition is Received?

7.1 An acknowledgment will be sent to the lead petitioner by letter or email within five working days of receipt. This will provide details of what we intend to do with the petition and when further information can be expected.

7.2 If the petition does not comply with the criteria set out in section 3 and the Council is unable to proceed, an explanation will be given in the acknowledgment letter. In relation to paper petitions, the petition will be published on the website with the status "Invalid" or "Rejected" together with a copy of the letter to the lead petitioner explaining why this decision has been taken.

7.3 The petition will be published on the Council's website unless it is inappropriate to do so.

7.4 A response will be provided to the lead petitioner within 15 working days of the acknowledgment being sent and a copy will be published on our website for paper petitions.

7.5 A petition containing over 50 validated signatures will be eligible for submission to the Cabinet or Scrutiny Committee alongside or in advance of the business the petition is seeking to influence. This option will be offered after the response letter is received as it might not be necessary if the Council is able to comply fully with the wishes of the petitioners.

7.6 A petition containing over 500 validated signatures will be eligible to be discussed at a meeting of the Full Council, Cabinet or Scrutiny Committee. This option will be offered

after the response is received as it might not be necessary if the Council is able to comply fully with the wishes of the petitioners.

- 7.7 The lead petitioner will be contacted after the response has been sent and asked if they wish to take one of these options.
- 7.8 Any petition to be debated at a Scrutiny Committee, Cabinet or Full Council meeting must relate to a matter on which the Council can take action, to be determined by the Monitoring Officer.

8. Full Council Debates

- 8.1 If a petition contains more than 500 signatures from people who live, work or study in the Peterborough area, it is eligible for debate at a meeting of the Full Council. If the lead petitioner chooses this option the petition will be discussed at the next Council meeting. The following protocol will apply:
- 8.2 The Mayor will lead the debate. There is a 45 minutes time limit on the discussion of an individual petition. At the end of this period Council will move immediately to the remaining votes without debate.
- 8.3 The lead petitioner, or their representative, will have five minutes to present their petition to the meeting to begin the debate. Times are strictly controlled and it is recommended to have a speech prepared in advance to ensure all relevant points are expressed.
- 8.4 The relevant Cabinet Member will be offered the opportunity to propose a course of action (propose a motion) which could be one of the following:
- To take the action requested in the petition if it is possible to do so.
 - To refer the petition to either Cabinet, a Cabinet Member or the relevant Scrutiny Committee for consideration having regards to the comments made in the debate.
 - To note the petition and comments but take no action for the reasons given in the debate.
- 8.5 The Mayor will ask for a seconder for the proposed motion.
- 8.6 The Mayor will then ask if there is an alternative course of action and each proposed alternative will need to be seconded.
- 8.7 All proposals must be provided in advance by Members to Democratic Services by 12noon on the day before the meeting.
- 8.8 Members will then debate the first proposal moved by the Cabinet Member, following the normal rules of debate.
- 8.9 When the debate has finished the Mayor will offer the lead petitioner, or their representative, the “right of reply”. They can respond to any matters raised, speaking for up to three minutes.
- 8.10 The Mayor will then offer the “right to reply” to the relevant Cabinet Member.
- 8.11 If only one motion has been proposed and seconded the Mayor will call for a vote on that motion which can be either carried or defeated.

- 8.12 When more than one motion has been proposed and seconded, the Mayor will only move on to the debate for subsequent motions if the first motion is defeated in the vote. Each subsequent motion will be debated in the format set out above and voted on in turn until a motion is carried and an outcome achieved.
- 8.13 If no proposals are agreed, the Mayor will move that the petition be noted.
- 8.14 The lead petitioner will be notified of the outcome of the debate in writing or by email within five working days.

9. Outcome

- 9.1 The lead petitioner will receive a written response by letter or email confirming the action the Council intends to take with a full explanation.
- 9.2 The Council's website will be updated to indicate that a decision has been taken and the petition status will be updated to reflect this.
- 9.3 A copy of the response to all petitions will be published on the council website.

Further information about the Council, its services and meetings are available on our website at www.peterborough.gov.uk

**Appendix 1
Peterborough City Council Petitions Scheme Template**

Those signing this petition must live, work, or study in the Peterborough area to be validated as a signatory. Those living outside the area can also sign the petition and will be taken into consideration but will not be counted. Further details can be found on the Peterborough City Council website <https://www.peterborough.gov.uk/council/petitions>

Petition Subject:
By signing this form we ask that the Council take the following action:
Lead petitioner (who must live, work or study in Peterborough) Name: Address: Telephone number: Email address:

	Name	Address	Signature
1			
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**Protocol on the use of Recording, Photography and the
use of Social Media at Public Meetings of the Council**

Peterborough City Council

PROTOCOL ON THE USE OF RECORDING, PHOTOGRAPHY AND THE USE OF SOCIAL MEDIA AT PUBLIC MEETINGS OF THE COUNCIL

Summary

The purpose of this protocol is to provide guidance to members of the press or public on the taking of photographs or audio/visual recording of any Council or Executive meeting which is held in public.

1. INTRODUCTION

- 1.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. These regulations allow any member of the public who wishes to film, audio-record, take photographs and use social media such as tweeting and blogging, to report the proceedings of any meeting that is open to the public.
- 1.2 Peterborough City Council is committed to being open and transparent in the way it conducts its main decision-making meetings and has therefore developed a protocol to assist its citizens in this activity.

2. RECORDING OF PROCEEDINGS

2.1 Access

To facilitate access to Council meetings, a designated area for those wishing to record proceedings will be clearly sign-posted. This area will provide an unfettered view of the meeting. Although there is no requirement to notify the Council in advance of the intention to record a meeting; we respectfully ask those who are wishing to bring large equipment to a meeting, to contact us in advance so that necessary arrangements can be made to accommodate this.

Please email requirements to Democratic.services@peterborough.gov.uk

In order to prevent accidents, the Council regrets it is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.

2.2 Open meetings

Access to record proceedings is only available to meetings, which are open to the public. In limited defined circumstances, some meetings may need to be held in private as confidential and/or exempt information may need to be discussed.

2.3 Commentary

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting. Oral commentary is not permitted during a meeting as this would be disruptive to the good order to the meeting.

Although the Council supports the principles of freedom of speech, this should be exercised with personal and social responsibility and be operated within the law of the land. The Council requests those participating not to edit recordings, film or photographs in any way that could lead to misinterpretation of the proceedings. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed, filmed or recorded.

2.4 Disruption

Anyone wishing to record a meeting, who acts in a disruptive manner, may be at risk of expulsion. Examples where this may be considered are:

- Moving outside the areas designated for recording without the consent of the Chairman
- Excessive noise in recording or setting up or re-siting equipment during the debate/discussion
- Intrusive lighting and use of flash photography
- Asking for people to repeat statements for the purpose of recording

2.5 Impact on meeting attendees

It is important that members of the public, who are seated in the separate public area, are not photographed/filmed/recorded without their consent.

If a member of the public asks a question, presents a petition or makes a representation, however, then they are likely to be filmed and are deemed to have given their consent in these circumstances.

All meeting Agendas, which are published on the Council's website in advance of a public meeting, will include a paragraph on the possibility of a meeting being recorded.

3. CONTACT DETAILS

- 3.1 Anyone wishing to discuss this facility in further detail can contact the relevant Democratic Services Officer as listed on the agenda or email at Democratic.services@peterborough.gov.uk

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**CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY QUESTIONING
PROTOCOL TO PETERBOROUGH CITY COUNCIL MEETINGS:**

**QUESTIONS ON THE ACTIVITIES AND DECISIONS OF THE COMBINED AUTHORITY
SINCE THE LAST MEETING**

- **The Council's representatives on the Combined Authority will prepare a short paper for inclusion in the agenda setting out the activities and decisions of the Combined Authority, except at extraordinary or special meetings of the Council and the first annual meeting of a new Council.**
- **Members will have an opportunity to ask questions of the Council's representatives on the Combined Authority, in relation to the activities and decisions as set out in the report.**

QUESTIONS ON NOTICE

- **Members will also have an opportunity to submit questions on notice to the Council's representatives on the Combined Authority, in accordance with Peterborough City Council's standing orders.**

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Peterborough City Council Members' Allowance Scheme

The statutory Members' Allowance Scheme was approved 2022.

1. INTRODUCTION

The payment of allowances to councillors is governed by the Local Government Act 2000 (S99-100), and the Local Authorities (Members' Allowances) (England) Regulations 20031, and makes provision for the following allowances:

- a) a 'basic allowance' payable to all councillors;
- b) a 'special responsibility allowance' payable to some councillors who, in the Council's opinion, make a significant additional contribution to the Council's work;
- c) a child and dependant carer's allowance (optional);
- d) travelling and subsistence allowance
- e) co-opted Members allowance.

The Local Government Act 1972 (and subsequent amendments and regulations) provide for payments to cover expenses incurred by:

- a) the Mayor, while carrying out their duties in office (section 3(5) of the Act); and
- b) the Deputy Mayor, also for expenses incurred in office (section 5(4) of the Act).

The 2003 Regulations made it necessary for councils to set up an independent panel to advise the Council about its levels of basic and special responsibility allowance, and the payment of certain expenses. . The Council determines its own allowances scheme, but must have regard to this independent panel's recommendations. Peterborough's Member Allowances Panel's current terms of reference were set at Council on in 2020 (Appendix 1).

The panel does not have a statutory role in commenting upon the expenses payments of the Mayor and Deputy Mayor but the Council may voluntarily ask the panel for advice about them. This document deals with allowances first, then expenses payments and levels of equipment provided to councillors for their council business.

STATUTORY MEMBERS' ALLOWANCES SCHEME

2.1 Basic allowance

Every City Councillor shall receive an annual allowance of £10,663. It will be paid in instalments of one-twelfth on the 28th of each month, with minor adjustments where necessary to ensure that the total annual sum is correct. The allowance is subject to an annual update - see paragraph 2.6 below.

The basic sum covers all expenses and time incurred by a City Councillor in carrying out their ordinary duties for the Council, including telephone and travel and subsistence costs. However, it excludes travel and subsistence allowances for approved duties outside the district, which are referred to separately below. Furthermore, the Council makes available to councillors a certain amount of equipment over and above the basic allowance. Again, this is referred to separately below.

2.2 Special responsibility allowances

An annual special responsibility allowance (SRA) will be paid to certain councillors. As a councillor may only receive one SRA, any councillor fulfilling more than one special role shall choose at the start of the municipal year which SRA to claim. SRAs will be paid in monthly instalments. They are not payable when a councillor temporarily steps into another's role (say, when the vice-Chair chairs a meeting). The maximum number of

SRA's payable at any one time should not exceed more than 50% of the Council Members (i.e. 30 Members).

<u>Table of special responsibility allowances</u>	<u>Annual sum (£)</u>
Leader of the Council (3 x basic allowance)	31,989
Deputy Leader (60% of the Leader's allowance)	19,193
Cabinet Members (50% of the Leader's allowance)	15,995
Cabinet Advisors (25% of the Leader's allowance)	7,997
Chair of Planning & Environmental Protection Committee (30% of the Leader's allowance)	9,597
Chair of Licensing Committee (25% of the Leader's allowance)	7,997
Chair of Audit Committee (if Member) (25% of the Leader's allowance)	7,997
Chair of Corporate Parenting Committee (25% of the Leader's allowance)	7,997
Chair of the Constitution and Ethics Committee (10% of the Leader's allowance)	3,199
Chair of Employment Committee (10% of the Leader's allowance)	3,199
Chairs of Scrutiny Committees (4 Members) (25% of the Leader's allowance)	7,997
Independent Chair of Audit Committee	£3,000
Independent Member of the Audit Committee (2 members)	£1,500
Independent Person of the Council	1,000.00
Deputy Independent Person of the Council (up to 2 people)	500.00
Co-opted Members	250
Leaders of Opposition Groups (To be distributed on a pro-rata basis dependent on the number of members in each group – (25% of Leader's allowance) (This allowance should not be paid to the leader of any additional groups which have the same political allegiance as one already recognised by the Council.)	7,997

2.3 Child and dependant carer's allowance

Councillors may claim reimbursement of actual, reasonable costs incurred in using childminders, babysitters or other sitters for dependants while carrying out approved duties. Approved duties are listed in a separate section below. Claims should be made monthly in arrears, by attaching the receipt(s) to the submitted member's claim form and entering the amount claimed on the form.

Information about registered childminders is available from the Council's Family Information Service. Details of care services for elderly and disabled dependants are best obtained from Peterborough or Cambridgeshire Carers Trust.

2.4 Parental leave

The Council has a Parental Leave Policy for Councillors, which sets out Councillors' entitlement to maternity, paternity, shared parental and adoption leave, and relevant allowances.

2.4 Renunciation of allowances

A councillor may choose to forego all or part of their entitlement to basic or special responsibility allowances under this scheme. If this is the case, they should give notice of this in writing to the Monitoring Officer, stating what element of their allowance entitlement they does not wish to claim. The notice should also state whether this is for the current municipal year or the remainder of the Councillor's term of office – if the notice does not specify a time period then it will be assumed to mean the remainder of the term of office.

A member not wishing to claim the expenses described in section 3 below need not give notice in writing – they simply does not submit any expenses claim forms.

2.5 Publicising allowances and expenses paid

As required by law, the Council publishes any recommendations which its Members Allowances Panel makes about members' allowances, and also the conclusions which the Council reaches as a result of those recommendations.

Each year it advertises the total sum paid during that year to each councillor in respect of basic allowance, SRAs, expenses and childcare/dependant carer's allowance. The information is published on the Council's website

The Council publicises the expenses and/or remuneration paid to any elected Member appointed on behalf of the Council to the Police and Fire Authorities. Publication of these figures takes place at the same time as each individual body publishes this detail.

The Monitoring Officer maintains a file of payments to Members.

2.6 Annual Updating

The scheme is reviewed by the panel every four years, unless the Council requests a review as a result of changes or developments in councillor responsibilities. In the intervening years, the basic allowance is updated annually with effect from 1st April, in line with the percentage increase in staff salaries.

3. PAYMENT OF EXPENSES

3.1 Approved duties

Councillors and co-opted members may claim reimbursement of travel, subsistence and conference expenses incurred whilst undertaking an approved duty outside the district. Attendance at any of the following is an approved duty:

- any Council meeting
- any meeting of one of the Council's committees / commissions, sub-committees, working groups or neighbourhood councils to which the member has been specifically appointed (expenses are not reclaimable by other members attending these meetings, whether or not they attend by invitation)
- any meeting of the Cabinet or a Cabinet committee

- agenda planning meetings for the Cabinet, scrutiny committees and regulatory committees
- scrutiny chairs co-ordination meeting
- All Party Policy meetings
- formal inspection of Council properties and projects as authorised in advance by the Executive or a committee (including site visits for planning matters)
- in-house training and development seminars including Members' Induction, Staff Induction and service-specific seminars
- conferences or seminars approved by the Director as described at section 3.4 below
- a meeting of an external organisation, including partnership bodies, to which the councillor has been appointed as the Council's representative – for details see the list of approved appointments issued annually near the start of the municipal year, and maintained subsequently, by Democratic Services. (If the external organisation will pay travel and/or subsistence costs, then the councillor should claim against that organisation and cannot claim from the City Council.)

Expenses will not be paid for attendance at national and regional bodies if the councillor was not appointed to the organisation or event by the City Council.

Travel and subsistence allowances for co-opted (if not in receipt of an allowance) and lay/expert members of committees and panels will be paid, at the same level as for elected members.

3.2 Travelling expenses

Councillors and co-opted members receive a travel and subsistence allowance within the basic allowance. Claims for mileage and subsistence within the District are therefore not available.

For journeys outside Peterborough, where public transport is readily available the ordinary fare will be reimbursed if this is less than a sum based upon car mileage. However, mileage claims are usually allowable for journeys to Cambridge because of the remote location of the railway station.

The Council will pay reasonable travel costs to and from an approved duty when a councillor is absent from their usual residence, such as when working out of the area or when attending a residential course elsewhere. This does not cover return from holidays. If such a claim is made and an officer is unclear whether or not the expense should be reimbursed, the officer shall consult the all political group leaders prior to approving payment. Any unresolved claim is the responsibility of Council to determine.

Travel option	Details of travel expenses reclaimable (outside the district)
By public transport	<p>The ordinary fare may be claimed, supported by a receipt. For travel by rail, wherever possible the tickets should be ordered in advance through the Executive and Members Services.</p> <p>The Council will refund the purchase of a rail card provided that this saves the Council money in reimbursing travel expenses.</p>
By car	<p>A virtual City Council car parking permit will be provided at a charge proportionate to a member's allowances. Any member wishing to purchase a second permit will be required to pay a higher rate for their permits equivalent to an officer on the same salary as the member's total allowances.</p>

	<p>A residents' parking permit will be provided free upon request to assist each member with resident parking in their ward. An Executive decision dated 30 July 2002 allows members to park in parking bays in St Peter's Road when visiting the Town Hall on business (excluding disabled bays unless a Blue Badge is displayed). However, if there is a space available in the Car Haven car park, this should be used instead of St Peter's Road – May 2004.</p> <p>The car mileage rate is updated annually in accordance with HMRC rates. It applies irrespective of engine size or distance travelled, and is currently 45 pence per mile. The Council will pay, upon production of a receipt, associated actual and reasonable costs incurred on parking fees, tolls or ferries. Members must have adequate vehicle insurance to cover 'business use' to provide for their journeys in relation to approved duties and constituency activities.</p>
By taxi	<p>Councillors' use of taxis are restricted to "cases of urgency or where no public transport is reasonably available" – they allow for the actual fare and "a reasonable gratuity" to be reimbursed. Therefore, if there was no urgency, or public transport was available, any claim for taxi costs will instead be reimbursed by payment of the bus fare for the equivalent journey.</p>

3.3 Subsistence expenses and Council refreshments

A councillor may claim reimbursement of subsistence costs incurred personally while on approved duties outside the district. The latter are described at a separate section below. In order to qualify for reimbursement:

- the councillor must be away from their usual residence for a minimum of four hours (this time period applying only to the time spent in travel to and from, and attendance at, the approved duty outside the district)
- there must be no meal provided at the approved duty, either by the Council or any other organiser for the event
- the councillor should attach a receipt to their expenses claim form to show that a meal was purchased (and the amount paid will be the amount incurred and shown on the receipt up to the maximum limit as outlined in the Council's employee subsistence scheme).

The rates payable are paid in line with the employee subsistence scheme and is available on the Council's intranet.

Case law during 2000 showed that Councils may pay more than the subsistence maxima stated in the scheme for overnight absence, in cases where the Council pays for that accommodation directly. Peterborough requires that members ensure that any overnight stay bookings for approved duties and conferences are made by Council officers. The Council will then pay for the cost of the accommodation and breakfast.

Lunch and evening meal costs up to the subsistence amounts shown in the staff subsistence scheme and travel as described at section 3.2 can also be paid this way. The Council will not pay for bar bills or other drinks, meal costs above the subsistence maxima, telephone calls or any other incidentals purchased by the councillor during their overnight stay (such as newspapers or laundry).

Officers making overnight stay bookings should first check with the Monitoring Officer that the proposed activity constitutes an approved duty and has been authorised properly. They should make clear whether the cost is to be borne by the service department's conference budget, or whether the central Members' Allowances budget is expected to fund it. When giving the councillor the details of the reservation, they should remind the councillor that they must pay for any incidental charges and not add them to the hotel bill. After the event, the officer must send a copy of the hotel bill (annotated to show the receiving councillors) to the Executive and Members' Services so that the file of payments to members can be updated.

In exceptional and unavoidable circumstances, a councillor may still book and pay for overnight accommodation directly, but in these cases the maximum reimbursement which the Council will be able to make is the overnight stay as set out in the employee subsistence scheme.

3.4 Conference and seminar expenses

In accordance with the Officer Scheme of Delegation, attendance at conferences and seminars is approved by the relevant Director in consultation with the Leader of the Council, taking into account the benefit to the Council that would be derived from, and the appropriate level of, member attendance. It should only be approved where the relevant service has adequate provision for this in its budget for conference attendance, ensuring that this takes account of all anticipated fees and expenses involved. The budget holder's prior approval must thus be obtained. Typical conferences include:

- Local Government Association – Chief Executive and relevant member(s)
- Institute of Leisure & Amenity Management national conference and parks seminar
- Institute of Baths and Recreation Management conference
- National Playing Fields Association conference
- CIPFA conference
- Institute of Revenues, Rating and Valuation conference
- Chartered Institute of Housing conference
- Local Government Association housing conference, tourism conference, etc
- Town & Country Planning Association weekend and summer schools for councillors
- Annual Social Services conference.

The Council will book and pay for conference and seminar expenses directly, as described in relation to overnight stays in section 3.3 above. If there is no overnight stay, then any travel or subsistence claims must comply with the usual conditions for approved duty attendance, and be submitted in the usual way on the monthly expenses claim form.

3.5 Expenses for travel and subsistence abroad

Occasionally a councillor may be invited to travel abroad on official business, through their membership of an external organisation to which the Council has appointed him/her as its representative. Given the potentially sensitive nature of such travel in the public perception, prior City Council consent should always be obtained to the classification of the proposed activity as an approved duty eligible for the reimbursement of the associated expenses. If such approval is given, then the conditions described in the sections above apply as for any other approved duty.

The Mayor may also travel abroad for civic purposes during their year of office, in accordance with the Council's Civic Protocol. As with the overnight stays described at section 3.3 above, the Council will book and pay for accommodation directly.

3.6 Child and dependant carer's allowance

Councillors may claim reimbursement of costs incurred in using childminders, babysitters or other sitters for dependants while carrying out approved duties. See section 2.3 above for details.

3.7 ICT and other equipment

All members are entitled to a mobile telephone to assist them in carrying out their duties. These devices will be allocated on request. Any costs associated with contract rental or business calls will be met by the Council. However, the cost of any personal calls must be reimbursed to the Council. Executive and Members' Services will assist in this process.

The Council will provide on request and install in members' homes where appropriate:

- (a) A mobile phone or I pad
- (b) Google notebook
- (c) A printer
- (d) Appropriate training for IT usage.

Computer access and a printer are provided for councillors' use in each Group Room at the Town Hall, and any Cabinet Offices provided also contain office equipment for Cabinet Members' use.

3.8 Claims procedure (for travel and subsistence outside the district and conference expenses)

Claims for travel, subsistence and dependent carer's allowances must be made by the eighth day of each month, for the previous month, using the members' claim form. Councillors and co-opted members should submit a signed form to Executive and Members' Services so that it can be verified and approved before the monthly payroll run. All claims received after this timescale will be submitted for payment the following month.

Councillors and co-opted members should ensure that they submit claims each month as claims stretching back over several months may be delayed owing to the increased difficulty of verifying them. Furthermore, very large back-claims may render the payment subject to tax and national insurance payments. Claims spanning more than one financial year must be avoided, as this would result in the later year's budget being overspent. Therefore, all claims for travel, subsistence, carer's and dependant allowances for each financial year must be made by the end of March and will not be paid after that date.

The claim form must include receipts for all expenses including a valid VAT petrol receipt within the period of the claim. The claim form must be signed by the member to declare that they are entitled to the amounts claimed.

If a councillor wishes to reclaim tax paid on subsistence allowances, they must provide relevant receipts to HM Inspector of Taxes. If a councillor applies for benefit, they must declare any allowances and expenses received from the Council on their application form.

Should it ever arise that the Council incurs expenditure on behalf of a councillor's spouse or partner, then a debtor's account will be sent to the councillor to recover all additional costs and a copy of the accounts will be placed with the file of payments to members.

4. THE MAYOR'S AND DEPUTY MAYOR'S ALLOWANCES

Sections 3(5) and 5(4) of the Local Government Act 1972 provide for the Council to pay the Mayor and Deputy Mayor an allowance each, which it believes reasonable to enable them to meet the expenses of their office. The Council may, but is not obliged to, invite its independent Members' Allowances Panel to comment on the allowances paid.

The current allowances, which are increased annually in accordance with the LGA daily rate, are:

- Mayor £12,000 (of which £6,000 is payable directly, with the balance managed through the Mayor's Allowance Account);
- Deputy Mayor £3,600 (of which £1,800 is payable directly, with the balance managed through the Deputy Mayor's Allowance Account).

The direct sums are paid by monthly instalment with the office holders' other allowances. The balance in each case represents sums which the office holders may call upon to meet expenses incurred in the course of fulfilling their duties. The Council's Civic Protocol gives more details about the types of expenditure which these allowances cover.

5. GUIDANCE FOR OFFICERS IN RESPECT OF PAYMENT TO MEMBERS

All Officers must adhere to the above scheme when verifying and making payments to councillors. The Monitoring Officer, or those employees acting on their behalf, must verify all member claims prior to passing them for payment, and maintain a file of payments to members. For all payments under the members' allowances scheme, and those made under sections 173 to 176 of the Local Government Act 1972, this must show the name of the recipient, together with the amount and nature of each payment. It is open for inspection free of charge by electors in the area, who may copy any part of it.

The scheme also applies to officers incurring expenditure on a councillor's behalf – if an officer spends more than the prescribed limits shown above for a member's travel and/or subsistence then the officer cannot claim the excess, but must bear the cost personally. If an officer wishes to make a claim for member travel and/or subsistence, they must complete an employee travel and subsistence expenses claim form in the usual way, but stating clearly which member(s) were paid for, and the details of the payment (cost, time of day incurred) which will allow it to be checked against the prescribed subsistence scheme. A copy must be sent immediately to the Monitoring Officer for recording in the file of payments to members.

This does not prevent the payment of sums to councillors which they may legitimately claim in a personal capacity (such as a rent allowance, refund of overpaid council tax or

rent, a home renovation grant, for a business transaction, damages or compensation). Any payments of this type should be processed in the normal way for that service issue, rather than through the member's payroll arrangements for allowances and expenses.

If any other issue of payment to a councillor arises, other than one covered by the above members' allowance scheme or a normal service issue, then prior written approval should be obtained from the Chief Executive or Monitoring Officer.

When a department arranges any seminar, conference, course or visit which will incur costs on behalf of a councillor, the lead officer must liaise with the Monitoring Officer to ensure that only permitted expenditure is incurred. The lead officer should keep a list of members attending an approved event, and forward it immediately afterwards to Executive and Members' Services to ensure that any subsequent member claims for travelling and/or subsistence can be verified. If the officer pays for any member's travel or meals, then a copy of the officer's own claim form (with clear details of the amounts paid for each member) must be copied immediately to Executive and Members' Services so that the file of members' payments can be updated. Likewise, hotel bills for overnight stays should be annotated to show the receiving councillor(s) and copied to Assistant Director Legal & Democratic Services.

Member tours must have prior committee or Cabinet approval (except for routine planning site visits), and will normally then be arranged by the relevant Officer within Democratic Services. Before proposing a tour, officers should check that there is adequate budgetary provision within the central Members' Budget – if not, an alternative budget must be identified.

Tours outside Peterborough may be arranged by the relevant service department. They will still require formal committee/cabinet approval and adequate budgetary provision. Any overnight stop, unless paid for directly by the Council, and any lunch or evening meals purchased for the councillors involved must adhere to the subsistence rates in this scheme. If air tickets are reserved, the cheapest rate of public air travel must always be used.

Any proposed payment or commitment of civic funds must be referred to the Monitoring Officer for prior approval. This officer must ensure all payments so made remain within budgeted levels of expenditure, and that any payments to or on behalf of members are recorded in the file of payments to members.

Any officer who is responsible for settling an insurance payment to a member from the Council's internal or external insurance funds, should copy details to Executive and Members' Services so that the file of payments to members can be updated.

If a councillor undertakes to act as a volunteer in a Council activity, the relevant lead officer must first make clear that the councillor intends to act in their personal capacity as a volunteer and not in an official capacity as councillor. This is very important in order to ensure that proper account is taken of the strict regulations which govern payment to councillors for meals and travel. Furthermore, the manager takes full charge of and responsibility for the activities undertaken, regardless of the councillor's official status, in accordance with the Council's procedures for volunteer assistance.

Circumstances may arise when, due to the need for political neutrality, it would be inappropriate for a councillor or their relatives to volunteer for a Council activity. One example would be participating in the canvass for the register of electors. For such activities, the lead officer must vet proposing volunteers thoroughly and decline offers where necessary.

INDEPENDENT REMUNERATION PANEL- TERMS OF REFERENCE

A. ROLE AND RESPONSIBILITIES

1. The Independent Remuneration Panel ("IRP") shall, on a 4 yearly basis or, if otherwise requested, propose recommendations as to any required amendments to the Members' Allowance Scheme in relation to the following matters:-

- the amount of basic allowance payable;
- the roles and responsibilities for which special responsibility allowances should be paid and if so, the duties to which they should apply and the amount;
- whether travelling and subsistence allowances should be paid and if so, the duties to which they should apply and the amount;
- whether childcare and dependent carers' allowances should be paid and if so, the duties to which they should apply and the amount;
- Whether a basic allowance should be paid to co-opted members and if so, the amount;
- whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated as permitted in law;
- whether any roles should receive pensionable allowances, where permitted in law;

2. In making its recommendations at paragraph 1 above, the IRP shall undertake a full review of the Members' Allowance Scheme as well as obtaining the views of officers and members of the Council to which it relates and having regard to the following general principles:

- that councillors undertake their council work for the sake of public service and not private gain;
- the varying demands placed upon councillors, dependent upon their roles and responsibilities;
- the need to fairly and equitably compensate councillors, so far as the panel thinks appropriate, for the time and effort they can reasonably be expected to devote to their work as a councillor;
- the need for the scheme to be economic, efficient to administer and effective;
- the requirement for their report and recommended changes to the scheme of allowances to be easy to understand and adequately justifiable to the electorate;
- That recommendations should confirm with existing legislation and anticipate likely future legislation so far as possible.

3. The IRP shall be required in reporting its recommendations to include guidance on what is to be encompassed by each relevant allowance so as to ensure that the Members' Allowance Scheme is consistently applied.

B. PANEL MEMBERSHIP AND APPOINTMENT

1. The ("IRP") shall be comprised of at least 3 members of the public ("IRP Members")
2. IRP Members will be sought via advert in accordance with the Council's standard recruitment arrangements.
3. As part of this a person specification shall be drawn up to ensure that candidates who are appointed:
 - are able to demonstrate a high degree of personal integrity;
 - are not members of any local authority and are not disqualified from being or becoming a member of a local authority;
 - have, if possible the appropriate level of skill, knowledge and understanding of setting remunerations;
 - have the necessary time and commitment for the role;
 - Are not affiliated to any political party – candidates must disclose the extent of their connections to a political party and whether these are such as to risk the effective discharge of the IRP's functions were the candidate to be appointed;
 - A knowledge of local government is preferable however a lack of familiarity will not be a bar to appointment.
4. Recruitment should be by either public advertisement or direct approach to appropriate business and community/voluntary sector organisations who command local respect and public confidence and would be able to nominate persons who should have the necessary skills, integrity, independence and who are recognisable members of the local business and voluntary/community sectors within their respective areas.
5. IRP Members will be appointed by the Chief Executive, in consultation with group leaders.
6. The term of office of IRP Members will be three years each. The Constitution and Ethics Committee may remove an IRP Member in circumstances where:
 - the IRP Member is disqualified from being a member of an authority or is found guilty of any conduct which brings the office into disrepute e.g. being found guilty of a criminal offence, an act of dishonesty or other serious misconduct;
 - the IRP Member is considered to have demonstrated a serious lack of diligence or incompetence;
 - the member becomes an elected or co-opted member (or an employee) of the authority.
7. The IRP shall:
 - appoint its own Chair at the first meeting of each municipal year;
 - require a quorum of 3 at all meetings;
 - meet a minimum of once per municipal year with additional meetings convened as necessary;
 - Otherwise devise its own rules for the conduct of meetings providing that they are consistent with legislative requirements and general good governance requirements.
8. In order to avoid any perception of personal gain involved with membership of the IRP, travel and subsistence allowances only will be paid to IRP Members, at the rate approved by the Council annually within the limits determined by the Secretary of State. No other allowances will be paid.

C. JOINT WORKING ARRANGEMENTS

Where it is in the best interests of each partner authority to do so, every effort should be made to establish a Joint Independent Remuneration Panel ("Joint IRP") with Cambridgeshire County Council and/or any neighbouring District Council whose Terms of Reference and Constitution will be as set out above save in respect of the following:

TERMS OF REFERENCE

1. In fulfilling the requirements set out in Section A above, the Joint IRP may make collective or separate recommendations to each partner authority as appropriate.

PANEL MEMBERSHIP AND APPOINTMENT

1. Where one authority already has arrangements in place, subject to the agreement of the IRP Members, it shall be open to the partner authority to request the establishment of an Interim Joint IRP and subject to the correct approvals being given, utilise the persons already appointed for the remainder of their term. Once their term is completed or in any other circumstances the partner authorities will then arrange to jointly recruit and appoint a Joint IRP where possible aligning their reviews accordingly. The following provisions will then apply.
2. Each partner authority shall appoint 3 representatives to serve on the Joint IRP.
3. The quorum of the Joint IRP will be two thirds of its overall membership.
4. The partner authorities should jointly carry out the recruitment and appointment of IRP Members.
5. Where there is any disparity between this and the terms of reference of the partner authorities these should be resolved prior to entry into joint working arrangements and in accordance with their respective constitutional requirements.
6. The removal of an IRP Member must be with the agreement of each partner authority with the decision having been taken in accordance with their respective constitutional requirements.
7. In the event that a partner authority wishes to end its participation in the Joint IRP or Interim Joint IRP, notice must be given in writing no later than 3 months before the end of the financial year to take effect from the start of the next financial year.

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Part 7a Management Structure

The link to the Corporate Leadership Team and details of directorates is here:

<https://www.peterborough.gov.uk/council/council-structure>

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