

PART 1 - SUMMARY AND EXPLANATION	
Effective from 20-9 May 2023 ¹⁵	Approved by Council on X 202330 March 2015

The Council's Constitution

In accordance with Section 9P of the Local Government Act 2000, Fylde Borough Council has a formal Constitution, which sets out:

- how the Council operates;
- how decisions are made; and
- the procedures that are to be followed in order to ensure that the decisions are efficient, transparent and accountable to local people.

The law requires some of these processes. Others are a matter for the Council to choose.

The Constitution is divided into ~~15~~⁴ Articles, which set out or refer to the basic rules governing the Council's business. More detailed procedures and codes of practice are then set out in separate rules and protocols at the end of the document.

Contents of the Constitution

Article 1 of the Constitution commits the Council to providing clear leadership to the community, actively involving citizens in decision making and helping councillors represent their constituents more effectively. Articles 2 to 15 explain the rights of citizens and how the key parts of the Council operate.

How the Council Operates

The Council is composed of ~~37~~⁵⁴ Councillors elected every four years, or at a by-election to fill a casual vacancy.

Councillors are democratically accountable to residents in their electoral ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward residents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct and uphold the principles of the protocol on member-officer relations to ensure high standards in the way they undertake their duties. The Monitoring Officer, [and her Deputies](#), in consultation with the Council's [Audit and Standards Committee](#), [trains](#) and [advises](#) on these issues.

The Council operates a committee system in accordance with the Local Government Acts 1972 ~~and~~⁷ 2000 and the Localism Act 2011.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, Councillors decide the Council's overall policies and set the budget each year. The Council appoints from among its own membership a Leader of the Council.

How Decisions Are Made

The council appoints committees of councillors to take most day-to-day decisions. Each committee works within the policies and budget set by the council. There are mechanisms in the constitution that allow the council to take decisions on matters that would normally be taken by committees.

The Council's Staff

The Council employs Officers whose duties are to give advice, implement decisions and manage the day-to-day delivery of the Council's services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between Officers and Councillors.

Citizens' Rights

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

They have certain rights in relation to voting, access to information, dealings with their local councillor and when they contact the Council. They can also submit petitions to the Council.

Glossary of Terms

These are plain English definitions for words referred to within this Constitution. For more detailed descriptions, please refer to the body of the Constitution or the relevant legislation.

<u>Agenda:</u>	<u>A document comprising items and reports which sets out the business to be transacted at a meeting of a Committee or Sub-Committee. The agenda is normally published at least five clear working days before the meeting.</u>
<u>Committee:</u>	<u>A group of elected members with responsibility for collective decision-making</u>
<u>Council:</u>	<u>The 37 Councillors elected for Fylde.</u>
<u>Councillor:</u>	<u>A person elected to represent their ward on the Council. A Councillor is appointed at either a four-yearly election or a by-election.</u>
<u>Constitution:</u>	<u>This sets out how the Council operates, how decisions are made and how the procedures which are followed ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the council to choose.</u>
<u>Head of Paid Service:</u>	<u>The most senior officer of the Council (See section 4 of the Local Government and Housing Act 1989).</u>
<u>Leader of the Council:</u>	<u>A Councillor appointed by the authority. Usually the Leader of the largest political group of the Council.</u>
<u>Mayor:</u>	<u>The Councillor appointed by the authority annually to undertake civic duties. The Mayor has no decision making powers, but serves as Chairman of the Council.</u>
<u>Member:</u>	<u>A term used to describe a Councillor.</u>
<u>Minutes:</u>	<u>A public record of decisions taken at meetings of the Council, its Committees and Sub-Committees.</u>
<u>Monitoring Officer:</u>	<u>The Officer with a particular responsibility for the lawfulness and probity of the Council's decision making (See section 5 of the Local Government and Housing act 1989).</u>
<u>Proper Officer:</u>	<u>An Officer nominated by the Council to undertake a particular function. For the purposes of this Constitution, the Proper Officer is the Head of Paid Service.</u>
<u>Regulatory Committees:</u>	<u>The Council's Committees which carry out its functions of decision-making on individual applications and permissions (e.g. licensing, appeals, planning etc).</u>
<u>Section 151 officer (chief finance officer)</u>	<u>The statutory officer responsible for the administration of the council's financial affairs (see section 151 of the Local Government Act 1972).</u>

~~Agenda: A document comprising items and reports which sets out the business to be transacted at a meeting of a Committee or Sub-Committee. The agenda is normally published at least five clear working days before the meeting.~~

~~Committee: A group of elected members with responsibility for collective decision-making~~

Council:	The <u>3751</u> Councillors elected for Fylde.
Councillor:	A person elected to represent their ward on the Council. A Councillor is appointed at either a four-yearly election or a by-election.
Constitution:	This sets out how the Council operates, how decisions are made and how the procedures which are followed ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the council to choose.
Head of Paid Service:	The most senior officer of the Council.
Leader of the Council:	A Councillor appointed by the authority. Usually the Leader of the largest political group of the Council.
Mayor:	The Councillor appointed by the authority annually to undertake civic duties. The Mayor has no decision making powers, but serves as Chairman of the Council.
Member:	A term used to describe a Councillor.
Minutes:	A public record of decisions taken at meetings of the Council, its Committees and Sub-Committees.
Monitoring Officer:	The Officer with a particular responsibility for the lawfulness and probity of the Council's decision-making.
Proper Officer:	An Officer nominated by the Council to undertake a particular function. For the purposes of this Constitution, the Proper Officer is the Head of Paid Service
Regulatory Committees:	The Council's Committees which carry out its quasi-judicial functions (e.g. licensing, appeals, planning etc).
Section 151 Officer (Chief Financial Officer):	The Statutory Finance Officer responsible for the administration of the Council's financial affairs.
Ward:	The defined area within the Borough which a Councillor represents. The Councillor is elected to represent the interests of the constituents in his/her ward.

PART 2 - ARTICLES OF THE CONSTITUTION	
Effective from 24-9 May 2023 May 2015	Approved by Council on x 2023 30 March 2015

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 Purpose of the Constitution

The purpose of this Constitution is to:

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

1.03 Application and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13 .

Article 2 – Members of the Council

2.01 Composition and eligibility

- (a) **Composition.** The Council comprises ~~3751~~ Councillors. One or more Councillors are elected by the voters of each ward, in accordance with a scheme governing the Council's electoral arrangements drawn up by the Local Government Boundary Commission and approved by ~~the Secretary of State~~ Parliament.
- (b) **Eligibility.** Only registered voters of the Borough of Fylde or other persons living or working there or those who own land in the Borough will be eligible to be Councillors.

2.02 Election and terms of office of Councillors

The ordinary election of all Councillors is held on the first Thursday in May in every fourth year beginning in ~~2011~~ 2023. The terms of office of Councillors will normally start on the fourth day after being elected and ~~will~~ finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all Councillors

(a) **Key roles.**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views in the Council's decision-making process, i.e. become the advocates of and for their communities;
- (iii) deal with individual casework and act as advocates for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics; and
- (viii) receive training and development to assist them in their role.

(b) **Rights and duties**

- (i) Councillors have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors shall not, without the consent of the Council, make public any information that is confidential or exempt or divulge to anyone other than a Councillor or officer entitled to know it any information given to them in confidence.

- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iv) Any member can, by notifying the [Head of Paid Service, Director of Resources](#), require that a local crime and disorder matter (as defined in the Police and Justice Act 2006) be placed on the agenda of the [Community Focus Scrutiny Committee](#) [Environment, Health and Housing Committee](#), which is the council’s crime and disorder committee.

2.04 Conduct

Councillors must follow the Code of Conduct for Members and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors are entitled to receive allowances under the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in Part 4 of the constitution:

(a) **Voting and petitions.**

~~—~~ Citizens may ~~z~~:

~~(+)~~ if they are on the electoral roll for the Borough, and after any statutory moratorium period, sign a petition to request a referendum for an Elected Mayor form of Constitution and to vote in any such election.

(b) **Information.**

Citizens have the right to:

- (i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) see reports, background papers and minutes; and
- (iii) during the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation.**

Citizens may participate in committee meetings if permitted by the council procedure rules (see Article 15 for further information).

(d) **Complaints.**

Citizens have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Ombudsman after using the Council's own complaints procedure;
- (iii) the Council's Monitoring Officer about a breach of the Code of Conduct for Members.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive, threatening, frivolous or vexatious in their dealings or communications with Councillors or Officers and must not wilfully harm any property of the Council, Councillors or Officers.

Article 4 – The Full Council

4.01 Functions of the full Council

The Council will exercise the functions described in Section 1 of Part 3 of the Constitution.

4.02 Meetings of the Council

There are three types of Council meeting:

- (a) ~~the~~ Annual Meeting;
- (b) Ordinary Meetings (incorporating budget meetings); and
- (c) ~~S~~pecial ~~M~~meetings

The Council Procedure Rules in Part 4 of the Constitution apply to all meetings of the council.

Article 5 – Chairing the Council

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

5.01 Chairing the Council meeting role

As the person presiding at meetings of the Council, the Mayor has the following responsibilities:

- (a) Upholding and promoting the purposes of this Constitution interpreting its provisions and giving rulings on points of order as and when necessary;
- (b) Ensuring that meetings of the Council carry out business efficiently and with regard to the rights of all Councillors and the interests of the community; and
- (c) Ensuring that the Council meeting is a forum for debating matters of concern to the local community.

5.02 Ceremonial role

The Mayor will undertake the civil and ceremonial duties of the Council in accordance with the Policy on the Operation of the Mayoralty. The Deputy Mayor will support and deputise for the Mayor in this role.

The Policy on the Operation of the Mayoralty can be found on the Council's website at <https://new.fylde.gov.uk/wp-content/uploads/2019/08/Operation-of-the-mayorality-May-2019-pdf.pdf>

5.03 Election of the Mayor

The Council will elect the Mayor and Deputy Mayor every year, at the Annual Meeting of the Council.

Article 6 – Leader of the Council

6.01 Leader

The Leader is a Councillor who is elected to the position by a meeting of the council. The Leader holds office for a term of 4 years, or for the balance of ~~his/her~~their term of office as a Councillor if shorter, or until ~~he or she~~they:

- (a) ~~resigns~~ from office; or
- (b) ~~ceases~~ to be a Councillor; or
- (c) ~~is~~are removed from office by resolution of the Council

whichever first occurs.

A Leader will in all cases cease to hold office on the 4th day following the District Council elections. A Leader will be appointed for the ensuing 4 year term, subject to these rules, at the first Council meeting following that date.

In the event of a casual vacancy in the office of Leader, the Council shall fill the vacancy as soon as reasonably practicable and the person elected shall hold office in accordance with the provisions of this article.

6.02 Deputy Leader

The council may appoint a Deputy Leader who will be a Councillor and will have all the powers of the Leader in ~~his/her~~their absence. The Deputy Leader holds office for the duration of their term of office as a Councillor or until ~~he or she~~they:

- (a) ~~resigns~~ from office; or
- (b) ~~ceases~~ to be a Councillor; or
- (c) ~~is~~are removed from office by resolution of the Council

whichever first occurs.

Article 7 –Committees

7.01 Committees

The Council has appointed the Committees set out in Sections 2 and 3 of Part 3 of this Constitution to discharge the functions described in relation to each of those committees.

In addition to the exercise of the functions specified in Section 3 of Part 3, the functions of the Planning Committee also include making recommendations to the Council on any applications or other matters that are excepted from the Committee's delegated powers.

Article 8 – The Audit and ~~Standards-Governance~~ Committee

8.01 Audit and ~~Standards-Governance~~ Committee

In line with recognised good practice, the Council has established a committee for the purposes set out in this article.

8.02 Composition

The Council determines the composition of the Audit and ~~Standards-Governance~~ Committee each year in accordance with the requirements of political balance in the Local Government and Housing Act 1989.

8.03 Purposes

~~The purposes of the Audit and Standards Committee are (1) to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects Fylde Borough Council's exposure to risk and weakens the control environment and, and to oversee the financial reporting process and (2) to oversee the council's arrangements for ensuring high standards of conduct by its members.~~

~~Section 2 of Part 3 of this Constitution gives more detail relating to the areas of responsibility of the Audit Committee.~~

General

The committee's overarching purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

The following paragraphs set out specific functions of the committee grouped under thematic headings

Governance, risk and control

Reviewing the council's corporate governance arrangements against the good governance framework, including the ethical framework, and considering the local code of governance.

Maintaining an overview of the council's constitution and advising on changes to the constitution

Monitoring the effective development and operation of risk management in the council.

Monitoring progress in addressing risk-related issues reported to the committee.

Considering reports on the effectiveness of internal controls and monitoring the implementation of agreed actions.

Considering reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.

Considering the council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements.

Reviewing the assessment of fraud risks and potential harm to the council from fraud and corruption.

Monitoring the counter fraud strategy, actions and resources.

Reviewing the governance and assurance arrangements for significant partnerships or collaborations.

Governance reporting

Reviewing the AGS prior to approval and considering whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion.

Considering whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial reporting

Monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

Reviewing the annual statement of accounts. Specifically, considering 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.

Considering the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Arrangements for audit and assurance

Considering the council's framework of assurance and ensuring that it adequately addresses the risks and priorities of the council.

External audit

Supporting the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

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

Considering specific reports as agreed with the external auditor.

Commenting on the scope and depth of external audit work and ensuring it gives value for money.

Considering additional commissions of work from external audit.

Advising and making recommendations on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Providing free and unfettered access to the audit committee chairman for the auditors, including the opportunity for a private meeting with the committee.

Internal audit

Approving the internal audit charter.

Reviewing proposals made in relation to the appointment of external providers of internal audit services and making recommendations.

Approving the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

Approving significant interim changes to the risk-based internal audit plan and resource requirements.

Making appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

Considering any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and approving and periodically reviewing safeguards to limit such impairments.

Considering reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work
- regular reports on the results of the Quality Assurance and Improvement Programme (QAIP)
- reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN) , considering whether the non-conformance is significant enough that it must be included in the AGS.

Considering the head of internal audit's annual report, including:

- the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
- the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).

Considering summaries of specific internal audit reports as requested.

Receiving reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

Contributing to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

• To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations.

Providing free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

Accountability arrangements

Reporting to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.

Reporting to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Publishing an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Article 9 – Joint arrangements

9.01 Arrangements to promote well being

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

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

9.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve appointing a joint committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

9.03 Access to information

- (a) The Access to Information Rules in Part 4e of this Constitution apply.
- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

9.04 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority and may accept delegation from another local authority; and
- (b) The decision whether or not to delegate functions to another local authority or to accept such delegation from another local authority is reserved to the Council meeting.

9.05 Contracting out

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

Article 10 – Officers

10.01 Management structure

The authority's senior management structure is described in Part 7 of the Constitution

- (a) **General.** The Council as an organisation may engage such staff (sometimes referred to as Officers) as are necessary for it to carry out its functions.
- (b) **Chief Officers.** The Council has established the following senior posts, the holders of which are designated as Chief Officers:
 - Chief Executive
 - [Deputy Chief Executive](#)~~Director of Resources~~
 - [Chief Financial Officer](#)~~Director of Development Services~~

10.02 Statutory Roles

The Council is required to designate Officers for certain specific statutory purposes. The Council has designated Officers as shown below:

- (a) Head of Paid Service – Chief Executive
- (b) Monitoring Officer – [Deputy Chief Executive](#)~~Director of Resources~~
- (c) Statutory Finance Officer (Section 151 Officer) - Chief Financial Officer

10.03 Functions of the Head of Paid Service

The statutory functions of the Chief Executive as Head of Paid Service are to report to the Council on:

- (a) the manner in which the discharge of the Council’s functions is co-ordinated;
- (b) the number and grade of staff required for the discharge of the Council’s functions; and
- (c) the organisation and proper management of those staff.

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

10.04 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring Lawfulness and Proper Administration.** After consulting with the Head of Paid Service and Chief Financial Officer (Section 151 Officer), the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the [Audit and Standards Committee](#).** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the [Audit and Standards Committee](#).
- (d) **Conducting Investigations.** The Monitoring Officer will consider allegations of misconduct and if appropriate, refer the same for formal independent investigation and report the outcomes of such investigation to the [Audit and Standards Committee](#).
- (e) **Providing advice.** The Monitoring Officer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (f) **Restrictions on posts.** The Monitoring Officer cannot be the Statutory Finance Officer or the Head of Paid Service.

Part 5e of this Constitution gives more detail relating to the areas of responsibility of the Monitoring Officer.

10.05 Functions of the Chief Financial Officer (Section 151 Officer)

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council and the Council's external auditor if ~~he or she~~they considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is lawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

10.06 Duty to provide sufficient Resources to the Monitoring Officer and Chief Financial Officer

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

10.07 Conduct

Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Parts 5b and 5c of this Constitution.

10.08 Employment

The recruitment, selection and dismissal of all officers or staff is governed by the Officer Employment Procedure Rules set out in Part 4a of this Constitution.

Article 11 – Decision making

11.01 Responsibility for decision making

Details of the persons or bodies within the Council’s organisation that have responsibility for particular decisions are set out in Part 3 of this Constitution.

11.02 Principles of decision making

All decisions of the Council will follow these principles:

- (a) proportionality (i.e. the solution reasonably fits the problem);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equality of opportunity;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the rule of law.

11.03 Rules of decision making

Decisions will be made in accordance with any relevant Procedure Rules set out in Part 4 of this Constitution and, as appropriate, in accordance with the rules of natural justice.

11.04 Decision making by Committees and Sub-committees of the Council

Some of the Council Procedure Rules set out in Part 4 of this Constitution also apply to committees and sub-committees of the Council. The rules in question are specified in Council Procedure Rule 1.

11.05 Human Rights

Sometimes the Council, or a person or body within its organisation, has to determine or consider the civil rights and obligations or the criminal responsibility of a person. In these cases, the Council and any relevant person or body within its organisation must follow proper procedures that accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 12 – Finance, Contracts and Legal Matters

12.01 Financial Administration and Management

The administration and management of the Council’s financial affairs is governed by the Financial Regulations set out in Part 4d of this Constitution.

12.02 Contracts

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

12.03 Legal Proceedings

The Head of Governance is authorised to begin or take part in any legal proceedings to give effect to decisions of the Council or if ~~he~~they considers it necessary to protect the Council.

12.04 Authentication of Documents

Where any document is necessary in any legal proceedings involving the Council, it may (unless the law says otherwise) be signed by the Head of Governance or someone else authorised by ~~him~~them.

12.05 Common Seal of the Council

The Common Seal of the Council must be kept in a safe place by the Head of Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Governance should be sealed. The fixing of the Common Seal will be attested by the Head of Governance or the Chief Executive.

Article 13 – Review and Revision of the Constitution

13.01 Maintaining the Constitution

The Monitoring Officer has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, and to ensure that it is available for consultation by Councillors, staff and the public.

13.02 Monitoring and Review

The Monitoring Officer will monitor and review the operation of this Constitution with a view to the aims and principles of the Constitution being given full effect, and may make recommendations to the Council for amendments or revisions to it.

13.03 Protocol for monitoring and review of constitution by monitoring officer

The Monitoring Officer must be aware of the strengths and weaknesses of the Constitution adopted by the Council, and may recommend ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake audit trails of sample decisions;
- (c) record and analyse issues raised with ~~him/her~~them by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

13.04 Constitution Review

The Monitoring Officer will review the Constitution ~~the year prior to the next local election~~every three years and seek its formal re-adoption by the Council. In the intervening period, the Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job titles, structures, re-arrangement of job responsibilities. Such changes will be notified to members and the published Constitution will be amended.

13.05 Amendments and Alterations Generally

Except for alterations made by the Monitoring Officer under Article 13.04, changes to the constitution will only be approved by the full Council after consideration of a recommendation from the Audit ~~and Standards~~ Committee or a proposal from the Chief Executive or the Monitoring Officer, or by way of members proposing a notice of motion in accordance with the Council's Procedure Rules subject to Section 101(2) of the Local Government Act 1972 applying which allows any committee of the council to arrange for any of its functions to be discharged by an officer of the authority.

Article 14 – Suspension and Interpretation of the Constitution

14.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended.

- (b) **Procedure to suspend.** A motion to suspend any Part 4 Procedure Rules will not be moved without notice unless at least half of the whole number of members of the Council, committee or sub-committee are present. (For example, for a committee to which 9 members had been appointed, 5 would need to be present.) The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

14.02 Interpretation

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

14.03 Publication

The Monitoring Officer will ensure that the council's website contains an easily accessible and up to date copy of the constitution.

Article 15 – Public Speaking at meetings of the Council and its Committees

15.01 Questions from Members of the Public at Full Council Meetings

~~15.01(a)~~ Any resident of the Council's district may, subject to 15.02, submit a question to be asked at an ordinary meeting of the council.

~~15.02(b)~~ Questions will only be asked under ~~(a)15.01~~ if:

- (i) the question has been given in writing to the proper officer before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30 p.m. on the Tuesday before);
- (ii) the question will take no longer than two minutes to ask;
- (iii) the maximum number of questions is not exceeded; and
- (iv) The Head of Governance is satisfied that the question as submitted does not take the form of, or substantially comprise, recitations of fact or expressions of opinion, instead of a question.

~~(c) 15.03~~ The 'proper officer' means the Chief Executive, the Deputy Chief Executive or any officer in the governance team.

~~15.04(d)~~ The maximum number of questions at each meeting is four.

~~(e) 15.05~~ The Leader of the Council will be given at least 24 hours' notice of any questions to be asked under this rule.

~~(f) 15.06~~ The question will be put at the meeting by the Chief Executive or another senior officer and will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.

~~(g) 15.08~~ No debate will be allowed arising out of a question asked or answer given under this rule.

~~(h) 15.09~~ No person may ask more than one question under this rule- at any meeting.

~~Article 15 – Public Speaking at meetings of the Council and its Committees~~

~~15.0 Questions from Members of the Public at Full Council Meetings~~

~~15.03 – Any resident of the Council’s district may, subject to 15.02, may ask a question at an ordinary meeting of the council.~~

~~15.04 – Questions will only be asked be asked under 15.01 if:~~

~~(i) – the person who wants to ask the question has given it in writing to the Director of Resources before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before);~~

~~(ii) – the question will take no longer than two minutes to ask; and~~

~~(iii) – A maximum of five questions can be added under this rule at the meeting concerned and should be notified to the Chief Executive, Director of Resources or a member of the Governance Team.~~

~~15.02 Public Platform 15.03 – THE LEADER OF THE COUNCIL WILL BE GIVEN AT LEAST 24 HOURS’ NOTICE OF ANY QUESTIONS TO BE ASKED UNDER THIS RULE.~~

~~15.04— THE QUESTION WILL BE ANSWERED BY THE LEADER OF THE COUNCIL OR ANY OTHER MEMBER NOMINATED BY THEM, SO LONG AS THAT MEMBER HAS CONSENTED BEFORE THE MEETING.~~

~~15.05— THE PERSON WHO HAS ASKED THE QUESTION MAY THEN ASK ONE SUPPLEMENTARY QUESTION, WHICH MUST ARISE OUT OF THE ANSWER GIVEN TO THE ORIGINAL QUESTION AND TAKE NO LONGER THAN TWO MINUTES TO ASK, AND THE MEMBER WHO ANSWERED THE ORIGINAL QUESTION MUST ANSWER THE SUPPLEMENTARY QUESTION.~~

~~15.06— NO DEBATE WILL BE ALLOWED ARISING OUT OF A QUESTION ASKED OR ANSWER GIVEN UNDER THIS RULE.~~

~~15.07— NO PERSON MAY ASK MORE THAN ONE QUESTION UNDER THIS RULE (EXCLUDING SUPPLEMENTARY QUESTIONS UNDER 15.05) AT ANY MEETING.~~

~~15.08— IF A PERSON WHO HAS GIVEN A QUESTION TO THE DIRECTOR OF RESOURCES AS PROVIDED UNDER 15.02 IS UNABLE TO ATTEND THE COUNCIL MEETING TO ASK IT, THE LEADER OF THE COUNCIL MUST ARRANGE FOR A WRITTEN ANSWER TO THE QUESTION TO BE GIVEN TO THE PERSON WHO HAS SUBMITTED IT.~~

~~15.1— PUBLIC PLATFORM~~

Public Platform is an opportunity for people who live or work in the Council's district to put their point of view to a committee about matters within its terms of reference. The first fifteen minutes of [the Policy Executive Committee each meeting of each programme committee](#), will be available for Public Platform. Public Platform will be conducted as set out below.

- (a) The Chairman will begin the meeting by inviting any person (other than a councillor) who is present at a meeting and lives or works in the Council's district to address the committee about any matter [contained within the committee papers agenda for the meeting in question within the committee's terms of reference.](#)
- ~~(b) — If he/she considers that Public Platform may be oversubscribed, the Chairman will give priority to members of the public who wish to speak about items on the agenda of the meeting.~~
- ~~(c)(b)~~ No person may address the meeting for longer than three minutes.
- ~~(d)(c)~~ The committee will listen to a speaker in silence and, ~~if the matter raised by the speaker relates to an item on the agenda for that meeting,~~ may address any point raised by a speaker when the item to which it relates is discussed.
- ~~(e)(d)~~ The Chairman may require a person addressing the meeting to stop speaking if ~~he~~ [they](#) considers that the speaker is behaving in a manner that is insulting, offensive or inflammatory.
- ~~(f)(e)~~ The Chairman may extend the time allocated for Public Platform if ~~he~~ [they](#) considers that doing so would assist the committee in its deliberations.

~~15.2~~ 15.03 Planning Committee

- ~~1.~~(a) Speakers **must** apply in advance of the meeting, no later than 12.30pm on the Monday prior to the meeting. This can be done in writing (or email to democracy@fylde.gov.uk) or by telephone to Democratic Services (tel: 01253 658658).
- ~~2.~~(b) When registering, speakers must specify which planning application they wish to speak about and whether they are in support or against the application.
- ~~3.~~(c) No speaking is permitted in support of an application, where an application is recommended by officers for approval.
- ~~4.~~(d) An applicant has an automatic right of reply where a public speaker has registered to speak in objection to the application.
- ~~5.~~(e) Only one speaker per household is permitted.
- ~~6.~~(f) All public speakers will be heard at the start of the meeting regardless of where the application is on the agenda.
- ~~7.~~(g) Public speaking is limited to no more than 3 minutes per person.
- ~~8.~~(h) Repetitious statements will not be permitted.
- ~~9.~~(i) If there are a number of people interested in speaking about an application, speakers are encouraged to appoint a spokesperson or ask their ward councillor(s) to represent them.
- ~~10.~~(j) Town, Parish and County Councillors wishing to speak at committee, on behalf of their residents, need to pre-register as above and are limited to three minutes.
- ~~11.~~(k) Ward Councillors should indicate prior to the meeting whether they wish to address the committee and are not limited to three minutes. Ward Councillors are reminded that where they are directly affected by the planning application, this would be considered as having a prejudicial interest and in these cases, they would be limited to three minutes. Members who are unsure whether they have an interest should discuss the matter with the Monitoring Officer at least 24 hours prior to the meeting.

Please note – If, having spoken on an application, the committee decides to defer the application for further information or amendment, speakers will not be permitted to speak again on the application [when it returns to committee] unless it has been significantly amended. In that case, any further opportunity to speak is limited to the amended detail, and not to the application generally.

15.04

~~15.1~~ Public speaking at the Licensing Committee

The Licensing Act 2003 dictates who can address Licensing Committee and public speaking is limited to those members of the public who have made representations within the prescribed timeframe in regards to a specific license.

Please contact the licensing team for further details licensing@fylde.gov.uk

PART 3 - RESPONSIBILITY FOR FUNCTIONS	
Effective from 249 May 2023 20-May-2015	Approved by Council on X30-March 20 2023 15

1. In this Part of the Constitution, responsibilities for Council functions are described and, where functions are delegated, the functions and those responsible for them are identified.
2. Under a committee system, the authority delegated to ~~its~~ ~~each~~ ~~committees~~ flows from the council. Accordingly, full council retains the ability to exercise its authority in any matter relating to the council's functions.
3. Functions and responsibilities are described by reference to the following:
 - Section 1 Council
 - Section 2 Regulatory Committees
 - Section 3 ~~Programme-Executive~~ ~~Committees~~
 - Section 4 ~~Joint Committee – Economic Prosperity Board~~ ~~Overview and scrutiny committees~~
 - Section 5 ~~Joint Committee – Economic Prosperity Board~~ ~~Referral and Recovery~~
 - Section 6 ~~Officers~~ ~~Standards Committee~~
 - Section 7 Referral and recovery
 - Section 8 Officers
4. Unless the context otherwise requires:-
 - (a) references to legislative provisions should be construed as extending to any statutory re-enactment or modification thereof and to any subordinate legislation made thereunder;
 - (b) 'budget' includes the authority's budget requirement (as provided for in the Local Government Finance Act 1992), all the components of the budget such as the budgetary allocations to different services and projects, proposed taxation levels, contingency funds ('reserves' and 'balances') and any plan or strategy for the control of the authority's borrowing or capital expenditure; and
 - (c) "Officers" means those Officers for the time being holding the positions described in Part 7 of this Constitution and references to their responsibilities shall be construed as meaning those responsibilities shown as assigned to them in Part 7. Decisions shall be taken in the name of (but not necessarily personally by) the Officers.
5. The arrangements described in this Part of the Constitution provide for the concurrent delegation and exercise of functions and are intended to allow those empowered to discharge the functions to determine co-operatively when and by whom a particular decision is to be made. The arrangements are intended to operate flexibly and are to be interpreted broadly and purposively.
6. Any body or person authorised to discharge a function is authorised to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that function.

SECTION 1

COUNCIL

1 Functions of the full Council

The following functions can only be carried out by the Council:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) approving development plan documents for submission to the secretary of state for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004;
- (d) appointing and removing the Leader;
- (e) establishing Committees of the Council, agreeing and amending their terms of reference and their composition and making appointments to or removing members from them;
- (f) adopting, amending or revoking a Members' Allowances Scheme;
- (g) changing the name of the Borough or conferring the title of Honorary Alderman or the freedom of the Borough;
- (h) confirming the appointment of the Council's Head of Paid Service;
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills (except where assigned to a Committee in Part 3 of this Constitution);
- (j) [a](#)All of the Council's functions relating to elections;
- (k) pursuant to an order under Section 70 of the Deregulation and Contracting Out Act 1994, granting or revoking an authorisation to any person to exercise a function to which that Section applies;
- (l) any other matters which, by law, must be reserved to the full Council.

2 Other Functions of the Council

Other functions exercisable by the Council include:

- (a) appointing and removing Councillor representatives to outside bodies; and
- (b) determining appeals against decisions made about discretionary housing payments.

3 Responsibility for functions

Except as provided for above, the Council can arrange for a Committee, Sub-committee or Officer of the Council to make decisions on its behalf.

The Council has exercised that power. The following sections of Part 3 of this Constitution set out the arrangements the Council has made.

The arrangements do not prevent the full Council from making decisions itself if it wishes or if a matter is referred back to it. The arrangements are subject to the procedures for referral and recovery set out in section 4 of this part of the constitution.

SECTION 2

REGULATORY COMMITTEES

Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972

PLANNING COMMITTEE

- ~~1. The functions of the Council as Local Planning Authority and any planning control functions which, by virtue of agency arrangements between the County Council and the Borough Council, the Borough Council is authorised to discharge.~~
1. Determining applications made to the council in its capacity as a local planning authority including applications for planning permission; for advertising consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; for listed building consent; determining for determination of whether planning permission is required (including permitted development and prior notification); and for certificates of appropriate alternative development.
2. Any planning control functions which, by virtue of agency arrangements between the County Council and the Borough Council, the Borough Council is authorised to discharge.
- ~~2.3. All matters relating to Tree Preservation or any amendment thereto orders and the protection of trees.~~
- 3.4. Taking appropriate action in respect of dangerous dilapidated or ruinous buildings or structures seriously detrimental to the amenities of the neighbourhood; and land in such condition as to be injurious/detrimental to amenities.
- 4.5. All of the council's functions under the Building Act 1984, Building Regulations and the Building Safety Act 2022.
- ~~5. To formulate and consider Strategic Housing policies/matters and the oversight of the provision of affordable housing (including affordable housing delivered through s.106 agreements).~~
- ~~6. To consider Development Management policies.~~
- ~~7. To formulate and oversee the relevant parts of the Development Plan (Local Plans and neighbourhood development plans).~~
- ~~8. To advise the Finance and Democracy Committee regarding the establishment of strategic economic development policies that align with the vision set out in the development plan and to oversee the delivery of regeneration projects set out in the council's Corporate Plan and Economic Development Strategy.~~
- 9.6. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit.
- 10.7. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference.
- ~~11. To consider any management issues arising in relation to land or property within the remit of the committee~~

PUBLIC PROTECTION COMMITTEE

1. Hearing and determining any appeal made by a council employee, as permitted by the appropriate procedure, in respect of (i) disciplinary action taken against ~~him or her~~the employee (ii) the grading of ~~his or her~~their post or (iii) any grievance raised by ~~him or her~~them.
2. Revising a fee policy under section 10A(6) of the Caravan Sites and Control of Development Act 1960 by making changes to the text, formatting or layout, but not including the revision of charges set out in the policy.

Exercising the council's functions in respect of the following:

3. Power to issue licences authorising the use of land as a caravan site ("site licences") under Section 3(3) of the Caravan Sites and Control of Development Act 1960.
4. Power to alter conditions attached to site licences under Section 8 of the Caravan Sites and Control of Development Act 1960.
5. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
6. Power to license hackney carriages and private hire vehicles under (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to license drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
8. Power to license operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
9. Exercising the council's functions under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (fixing of fares for hackney carriages).
10. Power to license sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
11. Power to license performances of hypnotism under the Hypnotism Act 1952.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis under sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
13. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
14. Power to license market and street trading under part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
15. Power to license dealers in game and the killing and selling of game under sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
16. Power of register and license premises for the preparation of food under section 19 of the Food Safety Act 1990.
17. Power to license scrap metal dealers under section 1 of the Scrap Metal Dealers Act 2013.

18. Exercising the Councils functions relating to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
19. Power to license dangerous wild animals under section 1 of the Dangerous Wild Animals Act 1976.
20. ~~Power to license knackers' yards under section~~[Executing and enforcing the provisions of part II 4](#) of the Slaughterhouses Act 1974 and ~~the Animal By-Products Order 1999~~[any regulations made under it.](#)
21. Power to license persons to collect for charitable and other causes under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
22. Power to grant consent for the operation of a loudspeaker under schedule 2 to the Noise and Statutory Nuisance Act 1993.
- ~~23. Power to sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.~~
- ~~24.~~23. Power to approve meat product premises under regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
- ~~25.~~24. Power to approve premises for the production of minced meat or meat preparations under regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
- ~~26.~~25. Power to approve dairy establishments under regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
- ~~27.~~26. Power to approve egg product establishments under regulation 5 of the Egg Products Regulations 1993.
- ~~28.~~27. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods under schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
- ~~29.~~28. Power to approve fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~30.~~29. Power to approve dispatch or purification centre under regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~31.~~30. Power to register fishing vessels on board which shrimps or molluscs are cooked under regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~32.~~31. Power to approve factory vessels and fishery product establishments under regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~33.~~32. Power to register auction and wholesale markets under regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~34.~~33. Duty to keep register of food business premises under Regulation 5 of the Food Premises (Registration) Regulations 1991.
- ~~35.~~34. Power to register food business premises under regulation 9 of the Food Premises (Registration) Regulations 1991.
- ~~36.~~35. Power to register premises or stalls for the sale of goods by way of competitive bidding

~~37. Closing orders with respect to take away food shops under section 4 of the Local Government (Miscellaneous Provisions) Act 1982.~~

~~38-36.~~ Power to grant permission to use an object or structure in, on or over a highway for the provision of services or amenities, recreation or refreshment facilities or for purposes which will result in the production of income, for a centre for advice or information or for advertising under section 115E of the Highways Act 1980.

~~39-37.~~ All matters in relation to pavement licences under the Planning and Business Act 2020.

LICENSING COMMITTEE

1. All licensing functions under the Licensing Act 2003 (other than the functions conferred by section 5 of the act).
2. All functions of a licensing authority under part 8 of the Gambling Act 2005 except those that by virtue of section 154 cannot be delegated.

CHIEF OFFICERS EMPLOYMENT COMMITTEE

~~1. The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of this Constitution.~~

~~2-1.~~ The appointment of:

- (i) The Officer designated as the Head of the Authority's Paid Service;
- (ii) A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and
- (iii) Any officer designated as a director

~~2.~~ The dismissal of, or disciplinary action against, any Officer referred to above or the consideration of any appeals, grievances or other matters in relation to any such officer where it should be expedient for the committee to deal with them.

~~Where the appointment or dismissal of an officer is subject, by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001, to the approval of the authority, the delegated authority given to the committee is subject to such approval being given.~~

~~3.~~

AUDIT AND STANDARDS COMMITTEE

~~The committee's activities and areas of responsibility are as follows:~~

~~1. Function and Purpose~~

- ~~(i) The Audit & Standards Committee is a key component of Fylde Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.~~

~~(ii) — The purpose of the Audit & Standards Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Fylde Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.~~

~~(iii) — The purpose of the committee in relation to standards is to promote and maintain the highest ethical standards and conduct by councillors. The committee is responsible for overseeing a operating a locally based system for initial assessment of complaints that a member may have breached the Code of Conduct, and for conducting any related hearings.~~

~~2. — Audit Activity~~

- ~~(i) — To consider the head of internal audit's annual report providing:

 - ~~a) — The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement — these will indicate the reliability of the conclusions.~~
 - ~~b) — The opinion of the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion — these will assist the committee in reviewing the Annual Governance Statement.~~~~
- ~~(ii) — To approve the risk based internal audit plan including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.~~
- ~~(iii) — To consider summaries of specific internal audit reports as requested.~~
- ~~(iv) — To consider reports from the head of internal audit of internal audit's performance during the year, including the performance of external provider of internal audit services.~~

~~These will include:~~

- ~~a) — Updates on the work of internal audit including key findings of issues of concern and action in hand as a result of internal audit work.~~
- ~~b) — Regular reports on the results of the Quality Assurance and Improvement Programme.~~
- ~~c) — Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.~~
- ~~(v) — To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.~~

- ~~(vi) — To approve the Internal Audit Charter.~~
- ~~(vii) — To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.~~
- ~~(viii) — To consider specific reports as agreed with the external auditor.~~
- ~~(ix) — To provide free and unfettered access to the Audit and Standards Committee chair for the head of internal audit including the opportunity for a private meeting with the committee.~~
- ~~(x) — To comment on the scope and depth of external audit work and to ensure it gives value for money.~~
- ~~(xi) — To support the independence of external audit through consideration of the external auditor’s annual assessment of its independence and review of any issues raised by PSAA or the authority’s auditor panel as appropriate.~~
- ~~(xii) — To commission work from internal and external audit.~~
- ~~(xiii) — To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.~~
- ~~(xiv) — Meeting the external auditor and Chief Internal Auditor in private if deemed necessary.~~
- ~~(xv) — To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.~~
- ~~(xvi) — To approve significant interim changes to the risk based internal audit plan and resource requirements.~~
- ~~(xvii) — To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.~~
- ~~(xviii) — To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.~~
- ~~(xix) — To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.~~
- ~~(xx) — To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.~~

~~3. — Regulatory framework~~

- ~~(i) — Maintaining an overview of the council’s constitution, including the Contracts Procedure Rules, Financial Regulations and Codes of Conduct.~~
- ~~(ii) — Advising the Council on changes to the Constitution.~~
- ~~(iii) — Reviewing any issue referred to it by the Chief Executive, Deputy Chief Executive, or any council body.~~
- ~~(iv) — To monitor the effective development and operation of risk management in the council.~~
- ~~(v) — To monitor progress in addressing risk relating issues reported to the committee.~~

- ~~(vi) — To review the governance and assurance arrangements for significant partnerships or collaborations.~~
- ~~(vii) — To review the Annual Governance Statement prior to formal approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.~~
- ~~(viii) — To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider local code of governance.~~
- ~~(ix) — To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.~~
- ~~(x) — To review the assessment of fraud risks and potential harm to the council from fraud and corruption.~~
- ~~(xi) — To monitor the counter fraud strategy, actions and resources.~~
- ~~(xii) — Considering governance, risk or control matters at the request of other committees or statutory officers.~~
- ~~(xiii) — Considering the council's compliance with its own and other published standards and controls~~
- ~~(xiv) — Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.~~
- ~~(xv) — To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.~~
- ~~(xvi) — To consider reports on the effectiveness of internal control and monitor the implementation of agreed actions.~~

~~4. — Accounts~~

- ~~(i) — 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.~~
- ~~(ii) — To consider the external auditor's report to those charged with governance in issues arising from the audit of the accounts.~~

~~5. — Accountability~~

- ~~(i) — To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.~~
- ~~(ii) — To report to full council on a regular basis on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.~~
- ~~(iii) — To publish an annual report on the work of the committee.~~

~~6. — Standards~~

- ~~(i) — To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members.~~
- ~~(ii) — To support ethical values and review the arrangements to achieve those results.~~
- ~~(iii) — To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.~~
- ~~(iv) — To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council's district has failed to comply with the relevant Code of Conduct.~~
- ~~(v) — To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.~~
- ~~(vi) — Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.~~
- ~~(vii) — To assist the Council with the appointment of an Independent Person(s) as required by the Localism Act 2011.~~
- ~~(viii) — To determine any request for a dispensation under Section 33 of the Localism Act 2011.~~
- ~~(ix) — To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.~~
- ~~(x) — To consider reports referred by the Monitoring Officer.~~
- ~~(xi) — To respond on behalf of the Council to national reviews and consultations on standards related issues.~~
- ~~(xii) — To consider and make recommendations to the Council on any other matter that may be referred to the Committee relating to the conduct of Members within the Authority.~~

~~7. Arrangements~~

~~The Committee will~~

- ~~(i) — meet a minimum of four times per year, (timetable to be agreed);~~
- ~~(ii) — have the authority to request the attendance of any elected Member or Officer of the Authority;~~
- ~~(iii) — have the right to report to all other committees, corporate risk groups and other strategic groups; and~~
- ~~(iv) — consider and assess the performance of the committee annually.~~

SECTION 3

PROGRAMME EXECUTIVE COMMITTEES

~~The Council has one four programme committee: its Executive Committee.s.~~

Terms of Reference of ~~Policy~~ the Executive Committee

~~The Committee has full delegated authority to take decisions on behalf of the council on any matter, other than a decision which:~~

~~(i) is required by law to be taken by a meeting of the council;~~

~~(ii) is required by law to be taken by another committee, or in any other way inconsistent with delegation to the Executive Committee;~~

~~(iii) the constitution expressly or impliedly reserves to a different decision-maker; or~~

~~(iv) the council or a scrutiny committee has directed should not be taken by the Committee.~~

~~The Chairman and Vice-Chairman of the Committee are aided in their work by the appointment of lead members. A role description for lead members is set out below.~~

Lead Members

~~The Chairman and Vice-Chairman of the Committee may be aided in their work by the appointment of one or more members of the committee as lead members. Lead Members are appointed and removed by the Committee. When appointing a lead member, the committee will assign an area of responsibility to the lead member. Lead members will undertake a Portfolio Holder role within their area of responsibility, but without decision-making powers. A role description for lead members is set out below.~~

~~*Lead Members ensure that corporate priorities are delivered working under the direction of the Chairman of the Executive Committee.*~~

~~*They act as an advisor for lead officers and monitor and report regularly at both meetings of the Executive Committee and the Council, on progress in each of their priority areas.*~~

They also:

Lead on developing council policy and make recommendations thereon.

Provide guidance to member forums on budget priorities and performance.

Additional responsibilities include:

Contributing to debate and decision-making.

Working with members of the Overview and Scrutiny Committees to ensure that the overview and scrutiny process works correctly.

Appearing before, and responding to, overview and scrutiny committees.

Representing the council at a national and local level.

Terms of Reference

The committees are the Tourism and Leisure Committee, the Operational Management Committee, the Environment, Health and Housing Committee and the Finance and Democracy Committee. The Environment, Health and Housing Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006. Subject to any matters reserved to the council by law or by any other part of this constitution, each programme committee has full delegated authority to take decisions on matters falling within its work area. The work areas of the committees are as follows:

(a) — Tourism and Leisure Committee

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. Considering reports, reviewing, and formulating where necessary, policies relating to leisure management and community development
4. Considering reports, reviewing, and formulating where necessary policies in relation to recreation including parks and open spaces development and grounds maintenance in relation to areas under the jurisdiction of the council
5. Considering reports, reviewing, and formulating where necessary policies relating to arts, culture and heritage
6. Considering reports, reviewing, and formulating where necessary policies relating to sand dunes management
7. Considering reports, reviewing, and formulating where necessary, policies relating to tourism and events promotion
8. Considering reports, reviewing, and formulating where necessary policies relating to beach management
9. To review, and formulate where necessary, policies relating to coast and countryside

- ~~10. To deal with issues arising in relation to the Trust set up to manage Lowther Pavilion and Gardens~~
- ~~11. To consider swimming provision and deal with partnership issues arising in relation to the operation of swimming pools~~
- ~~12. To keep under review income generating activity and subsequent contractual arrangements with respect to parks and open spaces~~
- ~~13. To consider any management issues arising in relation to land or property within the remit of the committee~~
- ~~14. To keep the Council's sports development programme under review~~
- ~~15. To interface with partners involved in the work of the committee as necessary~~
- ~~16. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference~~

~~(b) Operational Management Committee~~

- ~~1. To consider and scrutinise reports relating to performance of services under the remit of the committee~~
- ~~2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit~~
- ~~3. To keep under review arrangements regarding depot arrangements with respect to operational services and consider issues relating to the Council's Vehicle Replacement Programme~~
- ~~4. Considering reports, reviewing, and formulating where necessary policies relating to waste management and recycling~~
- ~~5. Considering reports, reviewing, and formulating where necessary policies relating to public toilet provision~~
- ~~6. Considering reports, reviewing, and formulating where necessary policies relating to amenity cleaning~~
- ~~7. Considering reports, reviewing, and formulating where necessary policies relating to car parking~~
- ~~8. Considering reports, reviewing, and formulating where necessary policies relating to coastal defences~~
- ~~9. Considering reports, reviewing, and formulating where necessary policies relating to dog Control~~
- ~~10. Considering reports, reviewing, and formulating where necessary policies relating to Emergency Planning~~
- ~~11. Considering reports, reviewing and formulating where necessary policies relating to building control and land charges~~
- ~~12. To consider and review provision in relation to footway lighting and bus shelters~~
- ~~13. Considering reports, reviewing, and formulating where necessary policies relating to cemetery and crematorium~~
- ~~14. To consider any management issues arising in relation to land or property within the remit of the committee~~
- ~~15. To interface with partners involved in the work of the committee as necessary~~
- ~~16. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference~~

~~(c) Environment, Health and Housing Committee~~

- ~~1. To act as the crime and disorder committee for the purposes of the Police and Justice Act 2006~~

- ~~2. — To make reports or recommendations to the council or any committee with respect to any matter which is a local crime and disorder matter in relation to a councillor~~
 - ~~3. — To consider and scrutinise reports relating to performance of services under the remit of the committee~~
 - ~~4. — To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit~~
 - ~~5. — Considering reports, reviewing, and formulating where necessary, policies relating to homelessness and housing advice~~
 - ~~6. — To consider any matters arising in relation to health development and promotion together with weight management~~
 - ~~7. — To keep under review matters relating to disabled facilities grants, housing standards and energy efficiency~~
 - ~~8. — Considering reports, reviewing, and formulating where necessary policies relating to community safety including CCTV provision~~
 - ~~9. — To fulfil the statutory overview and scrutiny role in terms of the Crime and Disorder Reduction Partnership~~
 - ~~10. — Considering reports, reviewing, and formulating where necessary policies relating to environmental health, protection and sustainability~~
 - ~~11. — Considering reports, reviewing, and formulating where necessary policies relating to Fylde Coast Bathing Waters~~
 - ~~12. — Considering reports, reviewing, and formulating where necessary, policies relating to Food hygiene~~
 - ~~13. — Considering reports, reviewing, and formulating where necessary, policies relating to Pest Control~~
 - ~~14. — Considering reports, reviewing, and formulating where necessary, policies relating to the Working Together for Families Partnership and the Health and Well-Being Partnership~~
 - ~~15. — To receive reports from partners who receive community grants from the council and to interface with partners involved in the work of the Committee including Fylde CAB, Age Concern, Care and Repair and Face to Face~~
 - ~~16. — To consider matters relating to Safeguarding~~
 - ~~17. — To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference~~
- ~~(d) — Finance and Democracy Committee~~
- ~~1. — To consider and scrutinise reports relating to performance of services under the remit of the committee~~
 - ~~2. — To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit~~
 - ~~3. — To lead the budget setting process, in consultation with the other programme committees, and to put forward a draft budget package to the Council for approval~~
 - ~~4. — To consider Medium Term Financial Strategy updates and provide guidance and commentary to other committees as necessary~~
 - ~~5. — To consider the Financial Outturn report of the Council annually~~

- ~~6. To consider reports from the Head of Revenues and Benefits Services (Shared Service) as necessary in relation to the revenues and benefits service related matters including debt write offs~~
- ~~7. Considering reports, reviewing, and formulating where necessary policies relating to customer access, ICT and website~~
- ~~8. To keep under review the Council tax reduction scheme and make recommendations to the Council on the same~~
- ~~9. To review the Pay Policy annually and make recommendations to the Council on the same~~
- ~~10. To consider any matters arising in relation to Strategic Procurement~~
- ~~11. To keep under review matters relating to the Council's Community projects fund~~
- ~~12. To consider any matters arising in relation to the mayoralty, civic functions and civic ceremonial~~
- ~~13. To monitor and evaluate progress towards achieving the objectives by the council within the Corporate Plan~~
- ~~14. Considering reports, reviewing, and formulating where necessary policies relating to public relations and communications~~
- ~~15. To develop and establish a framework of strategic economic development policies that interface with national, regional and sub regional economic development initiatives, such as the Economic Prosperity Board.~~
- ~~16. To manage any land and property owned by the council and not specifically held for the purposes of another committee~~
- ~~17. To consider any matters in relation to the Lytham Institute in line with Charity Commission guidance~~
- ~~18. To consider any community assets nominations~~
- ~~19. All of the Council's functions relating to elections~~
- ~~20. To interface with partners involved in the work of the committee as necessary~~
- ~~21. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference~~

SECTION 4

OVERVIEW AND SCRUTINY COMMITTEES

The Council has two Scrutiny committees. Each Scrutiny committee is an overview and scrutiny committee within the meaning of the Local Government Act 2000.

1 Terms of Reference

The committees are the Internal Affairs Scrutiny Committee and the Community Focus Scrutiny Committee. The Community Focus Scrutiny Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006. All overview and scrutiny functions are within the remit of all of the committees, but each committee has a number of work areas on which it normally focuses. These work areas are as follows:

(a) Internal Affairs Scrutiny Committee

- To keep the work programme under review
- To review new and amended policy across all service areas (corporate and service-specific)
- To recommend future policy options
- To review strategic items
- To receive and assess requests for scrutiny
- To monitor the Council’s budget and budgetary processes
- To receive performance reports on an exception basis
- To establish topic-specific in-depth, to be time limited.
- To seek to ensure that the expertise of all [councillors who are not members of the Executive Committee](#) can be utilised in the development of council policy
- To add value to Council business and decision-making

(b) Community Focus Scrutiny Committee

- To keep the work programme under review
- To constructively challenge why and how local public services are being provided, including consideration of inspection results, liaising with external partners and organisations as necessary
- To challenge performance standards and targets
- To ensure that the needs of the local community are met by collaborative working between the council and external organisations and partners
- To consider responses to consultations , making recommendations in light of the results
- To oversee the council’s compliance with the requirements of the Freedom of information Act.
- To receive periodic reports from the Community Safety Partnership
- To establish topic-specific in-depth reviews, to be time limited

2 General role

Within their terms of reference, the scrutiny committees may:

- (i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

- (ii) make reports and recommendations about the discharge of any of those functions, to the Council, Executive Committee or Sub-committee, or any Officer,
- (iii) consider any matter affecting the Borough or its residents; and
- (iv) recommend that any policy decision that has not been implemented be reconsidered.
- (ii) make reconsideration requests under the referral and recovery procedure.

3 Specific functions

(a) Policy development and review

Scrutiny committees may:

- (i) help the Council and the Executive Committee to develop budgets and policy frameworks by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation for the purpose of analysing policy issues and possible options;
- (iii) help local people to be involved in policy development;
- (iv) question members of the Executive Committee or sub-committees and officers about their views on issues and proposals affecting the Borough; and
- (v) promote collaborative working with organisations operating in the area, for the benefit of local people.

(b) Scrutiny

Within its terms of reference, a Scrutiny committee may:

- (i) review and scrutinise policy decisions and the performance of the Executive Committee;
- (ii) To provide the main forum for the Council’s internal and external scrutiny work.
- (iii) review and scrutinise the Council’s performance in relation to its policy objectives and performance targets and to particular service areas;
- (iv) question members of the Executive Committee and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- (v) make recommendations to the Executive Committee, the Council or any Officer arising from the outcome of the scrutiny process;
- (vi) review and scrutinise the performance of other service providers within the Borough or anyone whose activities affect the economic, social or environmental well-being of people in the Borough;

for that purpose, request reports from them about their activities and performance and invite them to address the committee; and question and gather evidence from any person (in the case of a person other than a member of the Council or an Officer, with their consent).

(i)(vii)

SECTION 54

JOINT COMMITTEE

At its meeting on 4 December 2017, the Council approved the establishment of the Economic Prosperity Board and the arrangements for its operation as set out below, and additionally that;

1. Any decision, which commits this Council to future or ongoing expenditure or contributions towards such expenditure, shall not be taken until the proposal and its future implications have been reported to, and approved by, full Council; and
2. That any financial or policy decisions by the Joint EP Board that affect FBC be reported to full Council for its approval.

The Blackpool, Fylde and Wyre Economic Prosperity Board – Procedure Rules

1.0 Purpose

- 1.1 The purpose of the Economic Prosperity Board ('EPB') will be to bring together local authority partners in a robust, formally constituted arrangement which will help shape and drive economic development across the Fylde Coast. This will be undertaken by collaboration and mutual co-operation. The fact that some functions will be discharged jointly by way of these procedure rules does not prohibit any of the constituent authorities from promoting economic well-being in their own areas, independent of the Board.

2.0 Governance

- 2.1 The EPB will act as a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPB will comprise of Blackpool Borough Council, Fylde Borough Council and Wyre Borough Council ("constituent authorities") and three co-opted members, one each from each constituent area. Any reference to 'executive', 'executive arrangements', 'executive function' or 'committee system' has the meaning given by Part 1A of the Local Government Act 2000.
- 2.3 The EPB is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the EPB must be made by all constituent authorities.
- 2.4 Political Proportionality rules will not apply to the EPB as so constituted.
- 2.5 The EPB may establish sub-committees or advisory groups, to undertake elements of its work, if required.
- 2.6 The EPB has powers delegated to it by the constituent authorities in the following areas:
 - a) to review future governance requirements and delivery arrangements and how these can be best achieved on the Fylde Coast;
 - b) to have direct oversight of key economic growth focussed projects and initiatives that the EPB has influence over the funding of;
 - c) to have strategic oversight of other key growth focussed projects and initiatives across the Fylde Coast.
 - d) to lobby and carry out other activities that help achieve the promotion or improvement of the economic wellbeing on the Fylde coast.

The EPB will not hold funds or monies on behalf of the constituent authorities.

- 2.7 Each constituent Authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as ‘key decisions’ and/ or have them included in the Forward Plan. A constituent Authority operating a committee system will apply its own local statutory procedures.

3.0 Remit

3.1 The remit of the EPB will be to provide political and democratic accountability and in doing so:

- a) act as the key strategic forum for economic development issues on the Fylde coast and to make recommendations to the Lancashire Enterprise Partnership (LEP) and other bodies on economic development investments and other priorities;
- b) have insight and the opportunity to review the LEP Board’s activities and consider any further measures necessary to strengthen the relationship with the LEP Board.
- c) co-ordinate and monitor investment plans of the constituent authorities pertaining to economic growth at the discretion of the individual authorities;
- d) act as the Programme Board for Hillhouse and Blackpool Airport Enterprise Zones (EZ’s) and report into the LEP and its EZ Governance Committee as appropriate;
- e) seek to ensure that adequate resources are made available to enable the delivery of Hillhouse and Blackpool Airport EZs and other key Fylde coast economic development priorities and projects;
- f) actively engage with a range of businesses on the Fylde coast in relation to economic development decision making and to engage with other stakeholders where appropriate;
- g) consider and advise on the appropriateness and viability of alternative, successor economic governance arrangements;
- h) co-ordinate and agree wider place-making policy within the Fylde coast economic footprint, wherever possible.

4.0 Membership

- 4.1 One member from each constituent authority. Such member to be the Leader of the Council or other executive member, in an authority operating executive arrangements or Leader of the Council or committee chairman, or vice chairman from a council operating committee system arrangements) and for the purposes of these procedure rules, this member will be known as the ‘principal member’.
- 4.2 Each principal member to have a named substitute member who must be an executive member where the authority operates executive arrangements. Where governance in a constituent authority is by a committee system form of governance, that alternate member shall be as per that authority’s rules of substitution. All constituent authorities must provide no less than twenty four hours’ notice to the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPB, the principal member shall be deemed as representing their authority.
- 4.3 In the event of any principal member of the EPB ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another principal member in his/her place.

- 4.4 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution and by providing twenty-four hours' notice to the Secretary.
- 4.5 There will be co-opted members appointed to the Board, with the number of co-opted members being the same as the number of constituent authorities. Each co-opted member will represent their relevant constituent area and the appointment and term of office of these co-opted members will be determined by formal decision of the Board. There are no substitute arrangements for co-opted members.
- 4.6 Each constituent authority may individually terminate its membership of the EPB by providing six months written notice of its intent to leave the EPB to the Secretary. At the end of these six months, but not before, the Authority will be deemed to no longer be a member of the EPB.
- 4.7 Where an Authority has previously terminated its membership of the EPB it may re-join the EPB with immediate effect on the same terms as existed prior to its departure, where the EPB agrees to that Authority re-joining via a majority vote.
- 4.8 Any other qualifying Authority seeking to be a constituent member, may join the Board with immediate effect on the terms set out in these procedure rules, where the EPB agrees to that authority joining via a majority vote.

5.0 Quorum

- 5.1 The quorum shall be two constituent authority members and one co-opted member. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chairman or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6.0 Chairman and Vice Chairman

- 6.1 The chairmanship of the EPC will rotate annually between each of the principal members. The Chairman or in his/her absence the Vice-Chairman (if one is appointed) or in his/her absence the member of the EPB elected for this purpose, shall preside at any meeting of the EPB.
- 6.2 Appointments will be made for a maximum period not extending beyond each principal member's remaining term of office as a councillor.
- 6.3 Where, at any meeting or part of a meeting of the EPB both the Chairman and Vice Chairman (if appointed) are either absent or unable to act as Chairman or Vice Chairman, the EPB shall elect one of the principal members of the EPB present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chairman and Vice-Chairman (if appointed) vests in the principal member concerned and in their absence the role of Chairman or Vice-Chairman (if appointed) will not automatically fall to the relevant constituent Authority's substitute member.

7.0 Voting

- 7.1 The EPB's decision making will operate on the basis of mutual co-operation and consent and will take into account the views of the co-opted members. It is expected that decisions will be taken on a consensual basis wherever possible. Where a formal vote is required it shall be one vote for each constituent authority, made by the principal member, or in their absence, their nominated substitute. Co-opted members are not be permitted to have a vote.
- 7.2 All questions shall be decided by a majority of the votes of the members present, the Chairman having the casting vote in addition to his/her vote as a member of the Committee. Voting at meetings shall be by show of hands.

7.3 Where immediately after a vote is taken at a meeting, if any member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his/ her vote for or against the matter or whether he/ she abstained from voting.

8.0 Hosting, Administration and Lead Authority

8.1 The EPB will be hosted by each constituent Authority in turn, with the rota determined by a formal decision of the Board and the host Authority shall be Secretary to the Board ('the Secretary'). The Host Authority will also identify representatives to provide relevant financial, governance and legal advice to the EPB. For the avoidance of doubt, the Monitoring Officer of the host authority shall be 'Proper Officer' for the purposes of publishing the agendas, background papers and recording decisions. The historic official records of the EPB will pass to each host authority. The administrative costs of supporting the Board will be met equally by the constituent authorities, with each Authority being responsible for receiving and paying any travel or subsistence claims from its own members, or co-opted members representing that area.

8.2 A 'Lead Authority' will be appointed by a formal decision of the EPB to deliver the economic development functions delegated to the Board. This Lead Authority, may be the same as the Host Authority, or may be another constituent authority.

8.3 The functions of the Secretary shall be:

- a) to maintain a record of membership of the EPB and any sub-committees or advisory groups appointed;
- b) to summon meetings of the EPB or any sub-committees or advisory groups;
- c) to prepare and send out the agenda for meetings of the EPB or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);
- d) to keep a record of the proceedings of the EPB or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
- e) to take such administrative action as may be necessary to give effect to decisions of the EPB or any sub-committees or advisory groups;
- f) to perform such other functions as may be determined by the EPB from time to time.

9.0 Meetings

9.1 The EPB will meet no less than quarterly, unless the EPB formally decides otherwise.

9.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPB by the Secretary, being such time, place and location as the EPB shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.

9.3 The Chairman may choose to accept or reject urgent items that are circulated in a shorter timescale or tabled at any meeting. Any such urgent items will be by reason of 'special circumstances' and will be specified in the minutes, as to the reason the chairman is of the opinion that the item should be considered as a matter of urgency.

9.4 'Special circumstances' justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing proper time for inspection by the public as well as why the item or report could not have been available five clear days before the meeting.

9.5 Additional ad hoc meetings may be called by the Secretary, after consultation, where practicable, with the Chairman and Vice Chairman of the Committee (if one is appointed), in response to receipt

of a request in writing, which request sets out an urgent item of business within the functions of the EPB, addressed to the Secretary:

- (a) from and signed by two members of the EPB, or
- (b) from the Chief Executive of any of the constituent authorities.

9.6 The Secretary shall settle the agenda for any meeting of the EPB after consulting, where practicable, the Chairman or in their absence the Vice Chairman (if one is appointed); and shall incorporate in the agenda any items of business and any reports submitted by:

- (a) the Chief Executive of any of the constituent authorities;
- (b) the officers responsible for legal, governance, finance and economic development at any of the constituent authorities;
- (c) any Member of the EPB.

9.7 The EPB shall, unless the person presiding at the meeting or the EPB determines otherwise in respect of that meeting, conduct its business in accordance with these procedure rules.

10.0 Access to Information

10.1 Meetings of the EPB will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the EPB and relevant advising officers from the constituent authorities and any person referred to in paragraph 11.2 below, will be permitted to be present for such items.

10.2 These rules do not affect any more specific rights to information contained elsewhere under the law.

10.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.

10.4 Any Freedom of Information Act requests received by the EPB should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

11.0 Attendance at meetings

11.1 The Chairman may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPB.

11.2 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPB meetings will be subject to the discretion of the Chairman.

12.0 Order of Business

12.1 Subject to paragraph 12.2, the order of business at each meeting of the EPB will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not and which items are subject to 'call in', in accordance with procedure rule 18.1.

- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.
- 12.2 The person presiding at the meeting may vary the order of business at the meeting.
- 13.0 Codes of Conduct and Disclosable Pecuniary Interests**
- 13.1 Principal members of the EPB (and their substitute members) are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the rules on Disclosable Pecuniary Interests. Co-opted members are governed by the code of conduct for members of the 'Lead Authority'.
- 14.0 Minutes**
- 14.1 There will be no discussion or motion made in respect of the minutes other except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.
- 15.0 Role of the Chairman**
- 15.1 A Member wishing to speak shall address the Chairman and direct their comments to the question being discussed. The Chairman shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. His/her ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 15.2 The Chairman shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.
- 16.0 Motions / Amendments**
- 16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:
- i. To amend the motion
 - ii. To adjourn the meeting
 - iii. To adjourn the debate or consideration of the item
 - iv. To proceed to the next business
 - v. That the question now be put
 - vi. That a member be not further heard or do leave the meeting
 - vii. To exclude the press and public under Section 100A of the Local Government Act 1972.
- 17.0 Application to Sub-Committees**
- 17.1 These procedure rules shall apply to meetings of any sub-committees of the EPB.
- 18.0 Scrutiny of decisions**
- 18.1 Decisions of the EPB which relate to the executive functions of a constituent authority will be subject to scrutiny and 'call-in' arrangements (or any other arrangements equivalent to 'call-in' that any constituent authority operating a committee system, may have). This would only apply where the decision is one which could have been made locally by that constituent Authority acting alone. No decision in this circumstance shall be implemented until the call-in period has either expired or if 'called-in' the matter concluded, in accordance with the call-in procedures of the relevant constituent Authority.

19.0 Winding up of the EPB

19.1 The EPB may be wound up immediately by a unanimous vote of all constituent authorities.

20.0 Amendment of these Procedure Rules.

20.1 These Procedure Rules can only be amended by unanimous resolution of the EPB, following the consideration of advice from the Monitoring Officers of each of the constituent authorities.

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SECTION 6

STANDARDS COMMITTEE

The overall purpose of the committee is to promote and maintain the highest ethical standards and conduct by councillors. The committee is responsible for overseeing a locally based system for assessment of complaints that a member may have breached the Code of Conduct, and for conducting any related hearings. Specific functions include:

- (i) To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members.
- (ii) To support ethical values and review the arrangements to achieve those results.
- (iii) To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.
- (iv) To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council's district has failed to comply with the relevant Code of Conduct.
- (v) To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.
- (vi) Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.
- (vii) To assist the Council with the appointment of an Independent Person(s) as required by the Localism Act 2011.
- (viii) To determine any request for a dispensation under Section 33 of the Localism Act 2011.
- (ix) To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.
- (x) To consider reports referred by the Monitoring Officer.
- (xi) To respond on behalf of the Council to national reviews and consultations on standards related issues.
- (xii) To consider and make recommendations to the Council on any other matter that may be referred to the Committee relating to the conduct of Members within the Authority.

1. Arrangements

The Committee will

- (i) have the authority to request the attendance of any elected Member or Officer of the Authority;
- (ii) have the right to report to all other committees, corporate risk groups and other strategic groups; and
- (iii) consider and assess the performance of the committee annually.

SECTION 5

Referral and recovery

SECTION 75**REFERRAL AND RECOVERY****1. Referral**

- (i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the inhabitants of the borough that a pending decision should be made at a meeting of the council rather than by a committee or sub-committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any ten members of the council then, notwithstanding anything in the scheme of delegation or elsewhere in the constitution, no committee or sub-committee may exercise any delegated authority to make that decision, but may instead make a recommendation to a meeting of the council.

(iii) In this rule:

“pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:

- a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);
- b. a decision relating to the determining of any approval, consent, licence, permission or registration;
- c. a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.

“referral period” means, in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 16.00 on the day before the meeting.

2. Recovery

- (i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the inhabitants of the borough and ought to be reconsidered.
- (ii) During the recovery period, the Chief Executive shall recover a decision for reconsideration if he receives a reconsideration request.
- (iii) If the reconsideration request asks:
 - a. for the decision to be reconsidered by the council, the Chief Executive shall arrange for the decision to be placed on the agenda of the next available meeting of the council.
 - b. for the decision to be reconsidered by the committee or sub-committee who made it, the Chief Executive shall arrange for the decision to be placed on the agenda of the next available meeting of that committee or sub-committee.

c. for the decision to be reconsidered, but does not specify whether the reconsideration should be done by the council or by the committee or sub-committee who made it, the Chief Executive shall arrange for the decision to be placed on the agenda of whichever is sooner of the next available meeting of the council or the next available meeting of the committee or sub-committee who made the decision.

(iv) Notwithstanding anything in the scheme of delegation or elsewhere in the constitution:

- a. a recoverable decision may not be implemented during the recovery period; and
- b. a decision that has been recovered under rule (b)(ii) will be treated for all purposes as though the decision had been (as the case may be) a recommendation to a meeting of the council to take that decision or a deferral of the decision to a future meeting of the committee or sub-committee who made it.

(v) In this rule:

The “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means that earlier meeting.

“reconsideration request” means a request that a decision be recovered for reconsideration made by any ten members of the council or by a scrutiny committee.

“recoverable decision” means any decision taken by a committee or sub-committee of the council except:

- a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);
- b. a decision relating to the determining of any approval, consent, licence, permission or registration;
- c. a decision relating to conduct or procedure at the meeting at which it was taken; or
- d. a decision in respect of which the Chief Executive, following consultation with the leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.

“recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council’s website. This means that, if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a bank holiday in between.

1. Referral

- ~~(i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the inhabitants of the borough that a pending decision should be made at a meeting of the council rather than by a committee or sub-committee.~~
- ~~(ii) If, during the referral period, referral of a pending decision is requested by any ten members of the council then, notwithstanding anything in the scheme of delegation or elsewhere in the constitution, no committee or sub-committee may exercise any delegated authority to make that decision, but may instead make a recommendation to a meeting of the council.~~
- ~~(iii) In this rule:

 - ~~“pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:

 - ~~a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);~~
 - ~~b. a decision relating to the determining of any approval, consent, licence, permission or registration;~~
 - ~~c. a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.~~~~
 - ~~“referral period” means, in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 16.00 on the day before the meeting.~~~~

2. Recovery

- ~~(i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the inhabitants of the borough and ought to be reconsidered.~~
- ~~(ii) During the recovery period, the Deputy Chief Executive shall recover a decision for consideration at a meeting of the council if so requested by any ten members of the council. She shall arrange for the decision to be placed on the agenda of the next available meeting of the council~~
- ~~(iii) Notwithstanding anything in the scheme of delegation or elsewhere in the constitution:

 - ~~a. a recoverable decision may not be implemented during the recovery period; and~~
 - ~~b. a decision that has been recovered under rule (b)(ii) will be treated for all purposes as though the decision had been a recommendation to a meeting of the council to take that decision~~~~
- ~~(iv) In this rule:

 - ~~The “next available” meeting means the first meeting falling more than ten working days after the Deputy Chief Executive receives the request for recovery, unless it is practicable to~~~~

~~include the decision as an agenda item at an earlier meeting, in which case it means that earlier meeting.~~

~~“recoverable decision” means any decision taken by a committee or sub-committee of the council except:~~

- ~~a. — a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);~~
- ~~b. — a decision relating to the determining of any approval, consent, licence, permission or registration;~~
- ~~c. — a decision relating to conduct or procedure at the meeting at which it was taken; or~~
- ~~d. — a decision in respect of which the Chief Executive, following consultation with the leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council's or the public interest.~~

~~“recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council's website. This means that, if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a bank holiday in between.~~

SECTION 86**OFFICERS****Functions which the Council has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972****1 CHIEF EXECUTIVE**

- 1.1 Authority to exercise any function contained in this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 1.2 In the event of an incident giving rise to major damage to or destruction of one or more of the council's civic buildings, authority to:
- Implement the council's business continuity plan;
- Authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the council.
- 1.3 In the event of a Chief Officer or head of service being absent or unable to act or of such a post being vacant, authority to:
- (a) exercise any of the delegated; and
- (b) grant any approval required such as a condition for the exercise of a delegated power granted to another officer
- 1.4 Power to make emergency decisions in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.
- 1.5 Determining and allocating management responsibilities amongst heads of service for the various functions and services of the council as may, from time to time, be deemed necessary, appropriate or expedient by the Chief Executive.
- 1.6 Making further modifications to Part I of the list of politically restricted posts as required as a result of the establishment, re-grading or deletion of posts, progress through the grade in the case of posts straddling the limit.
- 1.7 Establishing mechanisms to report corporate performance and monitor progress against targets.
- 1.8 Following consultation with the chairman of any committee, authority to respond to any consultation paper.
- 1.9 Authorising compensation payments under the Council's complaints procedure.
- 1.10 Discharging any function contained within this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is allocated and of any other officer to whom it is allocated in his or her absence or inability to act.
- 1.11 Implementing the Council's Disciplinary Procedures.

- 1.12 Authorising directed surveillance exercises under the Regulation of Investigatory Powers Act 2000.
- 1.13 Dismissing and taking disciplinary action against all staff at head of service level and below, including power to authorise other officers to exercise those functions on their behalf, whether generally, in respect of posts in certain categories or descriptions or in respect of specific posts on particular occasions.
- 1.14 Authorising settlement agreements and determining on ill health or capability grounds the employment of staff in accordance with the statutory guidance issued.
- 1.15 Approving duties for the purposes of Councillors' expenses payments.
- 1.16 Determining requests from heads of service for consent to secondary employment.
- 1.17 Appointing consultants.
- 1.18 In relation to heads of service approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving 'added years' for Superannuable employees and all other superannuable matters.
- 1.19 Administering the Council's responsibilities under the Refuse Disposal (Amenity) Act 1978.
- 1.20 Contracting with the Highway Authority for the removal and cleansing of highway obstructions and debris.
- 1.21 Delegated power (or the Deputy Chief Executive) to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 (save for Public Spaces Protection Orders), following consultation with the Chairman of the Operational Management Committee (in relation to waste and dog control matters) the Chairman of the Environment, Health and Housing Committee (in relation to other matters).

2 DEPUTY CHIEF EXECUTIVE

- 2.1 Authority to exercise any function contained in this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 2.2 In the event of an incident giving rise to major damage to or destruction of one or more of the council's civic buildings, authority to:
 - Implement the council's business continuity plan;
 - Authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the council.
- 2.3 In the event of a Chief Officer or head of service being absent or unable to act or of such a post being vacant, authority to:
 - (a) exercise any of the delegated; and

- (b) grant any approval required such as a condition for the exercise of a delegated power granted to another officer
- 2.4 Power to make emergency decisions in the absence of the Chief Executive in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.
- 2.5 Determining and allocating management responsibilities amongst heads of service for the various functions and services of the council as may, from time to time, be deemed necessary, appropriate or expedient in consultation with the Chief Executive.
- 2.6 Making further modifications to Part I of the list of politically restricted posts as required as a result of the establishment, re-grading or deletion of posts, progress through the grade in the case of posts straddling the limit.
- 2.7 Establishing mechanisms to report corporate performance and monitor progress against targets in consultation with the Chief Executive.
- 2.8 Following consultation with the chairman of any committee, authority to respond to any consultation paper.
- 2.9. Authorising compensation payments under the Council’s complaints procedure.
- 2.10 Discharging any function contained within this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is allocated and of any other officer to whom it is allocated in his or her absence or inability to act.
- 2.11 Implementing the Council’s Disciplinary Procedures.
- 2.12 Authorising directed surveillance exercises under the Regulation of Investigatory Powers Act 2000.
- 2.13 Dismissing and taking disciplinary action against all staff at head of service level and below, including power to authorise other officers to exercise those functions on their behalf, whether generally, in respect of posts in certain categories or descriptions or in respect of specific posts on particular occasions.
- 2.14 In the absence of the Chief Executive authorising settlement agreements and determining on ill health or capability grounds in accordance with statutory guidance.
- 2.15 Approving duties for the purposes of Councillors’ expenses payments.
- 2.16 Determining requests from heads of service for consent to secondary employment.
- 2.17 Appointing consultants.
- 2.18 In relation to heads of service approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving ‘added years’ for Superannuable employees and all other superannuable matters.

- 2.19 Administering the Council’s responsibilities under the Control of Pollution Act 1974, Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005.
- 2.20 Administering the Council’s responsibilities for dog control under the Dogs Act 1906, Dangerous Dogs Act 1989 & 1991, and the Dogs (Fouling of Land Act) 1996.
- 2.21 Delegated power (or the Chief Executive) to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 (save for Public Spaces Protection Orders), following consultation with the Chairman of the Operational Management Committee (in relation to waste and dog control matters) the Chairman of the Environment, Health and Housing Committee (in relation to other matters).
- To act as the Council’s Monitoring Officer.**
- 2.22 Administering the arrangements with matters concerning civic or ceremonial occasions, together with civic hospitality, in consultation with the Mayor and the Leader as appropriate.
- 2.23 To keep the Constitution under review with delegated authority to amend the Constitution where there has been a change in law, job titles, structures, re-arrangement of job responsibilities or for general administrative convenience.
- 2.24 Applying for anti-social behaviour orders under section 1 of the Crime and Disorder Act 1998.
- 2.25 Consenting to authorisations under section 30 of the Anti-Social Behaviour Act 2003

3 ALL HEADS OF SERVICE

- 3.1 Implementing, in consultation with the Chief Executive or Deputy Chief Executive, the grading and re-grading of posts in their respective service area, in accordance with the council’s pay and grading procedures and within the approved manpower budget subject to the right of staff to recourse to the appeals procedure.
- 3.2 Appointing, taking disciplinary action against, suspending from work, employees whose continuing presence at work compromises a disciplinary investigation or impairs the efficient exercise of the Council’s functions, or terminating appointments of all employees excluding those staff employed on chief officer conditions: subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 3.3 Granting special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies.
- 3.4 Granting, in consultation with the Chief Executive or Deputy Chief Executive, allowances and car loans to appropriate members of staff in accordance with the approved scheme.
- 3.5 Following consultation with the appropriate human resources officer, approving training courses, including seminars, for staff.
- 3.6 Determining, in accordance with agreed Council policies, all other personnel management matters within their service areas, including filling casual vacancies, employing temporary or

agency staff, granting overtime, granting merit increments and granting applications for leave in line with family friendly initiatives, provided that agreed budgets are not exceeded.

- 3.7 Determining grievances for all employees within their service areas.
- 3.8 Approving or refusing, in consultation with the Chief Executive or Deputy Chief Executive, applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving `added years` for Superannuable employees and all other superannuable matters.
- 3.9 The management and operation of their service areas in accordance with the agreed policies and practices of the council.
- 3.10 Any matter that is a responsibility of the heads of service in the financial regulations (set out in Part 4d), whether expressly or by implication, in relation to their service areas.
- 3.11 Appointing officers of the Council to act as inspectors, sampling officers, designated persons, authorised persons, appointed officers or officers with any other similar designation, for the purposes of specific legislation enforceable by the Council falling within their responsibilities.
- 3.12 In relation to matters or functions for which the officer concerned is responsible, issuing requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 330 of the Town and Country Planning Act 1990 or any similar provision in any other existing or future legislation.
- 3.13 Appointing consultants.
- 3.14 Liaising with partner organisations to implement shared strategies
- 3.15 In the absence of both the Chief Executive and Deputy Chief Executive, the power to make emergency decisions in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.

4 HEAD OF GOVERNANCE

- 4.1 Following consultation with the appropriate head of service, instructing Counsel and engaging professional witnesses and external solicitors.
- 4.2 Attesting the Council's Seal and signing legal documents on the Council's behalf.
- 4.3 Instituting legal proceedings on behalf of the Council and representing the Council before any Court, Tribunal, Inquiry or other hearing.
- 4.4 Instituting Magistrates' Court proceedings in cases of non-compliance with statutory notices under the Town and Country Planning Act 1990.
- 4.5 Commencing legal proceedings to enforce obligations in agreements made under section 106 of the Town and Country Planning Act 1990.
- 4.6 Making applications for bylaws in relation to the good management of the Council's property in accordance with the Policy of the Council.

- 4.7 Providing advice and making bylaws on behalf of Town and Parish Councils as requested and in compliance with government guidance.
- 4.8 Acting as Solicitor to the Council and as Deputy Monitoring Officer.
- 4.9 Deciding whether sufficient evidence exists to support a prosecution in cases referred to him.
- 4.10 Issuing formal cautions instead of prosecution.
- 4.11 Settling proceedings of any description after consultation with the Leader of the Council or appropriate committee chairman together with the appropriate member of the senior management team.

5 HEAD OF PLANNING

Planning

- 5.1 Making decisions within the following scheme of delegation:

Introduction

The objective of the scheme of delegation is to speed up the decision making process by allowing key officers to determine the majority of planning and related applications. Only those that are considered major applications will be presented to Planning committee and any which are referred to in the scheme below.

Delegated applications

(1) Subject to paragraph (2), decisions on the following matters are delegated to the Head of Planning:

- (a) Planning applications
- (b) Applications for certificates of lawfulness
- (c) Advertisement consent applications
- (d) Hazardous substance applications
- (e) Listed buildings applications
- (f) Telecommunications applications and prior determinations
- (g) Agricultural prior determinations
- (h) any other application or matter of a similar nature to (1)(a) to (1)(g)

(2) notwithstanding paragraph (1), the Head of Planning may not exercise delegated authority to take decisions on the following matters:

- (a) Any application falling within (1)(a) to (1)(h) where a Ward Councillor has required that delegation be not exercised provided that their request has been accompanied by adequate written reasons for the non-exercise of the delegation and has been made within the time scale in paragraph (12).
- (b) Any application falling within (1)(a) to (1)(h) where the chairman or vice-chairman of the Planning Committee has required that delegation be not exercised, provided that their request has been accompanied by adequate written reasons for the non-exercise of the delegation.

(c) Any application falling with (1)(a) to (1)(h) that the Head of Planning proposes to approve and on which a parish or town council for the application site has submitted representations on justifiable planning grounds contrary to that proposed decision and has requested that the decision be considered by the committee.

(d) Major Planning applications, except those which are minor revisions of applications previously considered by the committee and where neither the Head of Planning, a parish or town council or any other consultee has objected to the proposed revision or where the Head of Planning proposes to refuse planning permission.

(e) Any application for the total or partial demolition of a Listed Building, where the proposed demolition would amount to more than 55% of Listed Building.

(f) Any application which is the same or substantially the same as a previous application that was refused by the Planning Committee and where the Head of Planning proposes to grant permission.

(g) Any application that the Head of Planning considers has significant, borough-wide importance or has been the subject of significant public interest.

(h) Any application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted where the previous planning permission was granted by the Planning Committee.

(3) For the purposes of paragraph (2)(c), a representation will be taken to be on justifiable planning grounds unless the Head of Planning advises the parish or town council in writing that in his opinion the representation is unreasonable. In forming his opinion, the Head of Planning will take account of the guidance on awards of costs as explained in the National Planning Practice Guidance.

(4) Notwithstanding paragraph (1), the Head of Planning may only exercise delegated authority to make decisions on any application where the council or a council employee is an applicant or an owner of the application site after consultation with the chairman and vice-chairman of the Planning Committee.

(5) Nothing in paragraph (2) or (4) above will prevent the Head of Planning exercising his delegated authority to take decisions in respect of applications under part 16 of schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 for determination as to whether prior approval is needed for the siting and appearance of development by or on behalf of an electronic communications code operator.

Responses to consultations

(6) The Head of Planning has delegated authority to respond to consultations from bodies such as local authorities, and utility and infrastructure providers, and government agencies.

Environmental impact assessments

(7) The Head of Planning has delegated authority to deal with all matters relating to scoping reports and screening opinions in connection with environmental impact Procedure.

Interpretation

(8) “Listed Building” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.

(9) “Major Planning Application” has the same meaning as in paragraph 2 of The Town and Country Planning (Development Management Procedure)(England) Order 2015.

(10) “Ward Councillor” means a councillor representing a ward that includes the application site or any ward that abuts the application site.

Procedure

(12) All Councillors will be circulated with a weekly list of planning applications, published and dispatched each week. Councillors will have 21 days from the date of dispatch of the list to require under (2)(a) that the delegation to the Head of Planning be not exercised.

(13) A weekly list of all those applications where the Head of Planning has exercised his delegated decision-making power will be distributed to all councillors each week.

(14) A rigorous scrutiny process will ensure that no application will be decided by its case officer and that only those applications that qualify to delegated decision-making go forward to be decided under delegated powers. The case officer will present a simple report to the Development Manager or Senior Development Officer, including a clear statement why the decision meets the criteria for delegation who will sign off the report and determine the application on behalf of the Head of Planning.

- 5.2 Issuing notices under Article 5(2) of the Town and Country Planning (Development Procedure)(England) Order 2015 specifying further information which is required before an outline planning application can be determined
- 5.3 Authorising entry onto land under Planning Acts 1990.
- 5.4 Authorising officers to apply to the court for a warrant to enter land under the Planning Acts 1990.
- 5.5 Deciding whether a particular appeal should be dealt with by public inquiry, informal hearing or written representations.
- 5.6 Determining applications for certificates of lawfulness of existing or proposed use or development under sections 191 and 192 of the Town and Country Planning Act 1990.
- 5.7 Revoking planning permissions under section 97 of the Town and Country Planning Act 1990 in cases where the person(s) affected by it has indicated that the order is likely to be unopposed.
- 5.8 Serving planning contravention notices, enforcement notices, breach of condition notices and temporary stop notices.
- 5.9 Deciding on complaints and issuing remedial notices under part 8 of the Anti-Social Behaviour Act 2003 (high hedges).
- 5.10 Serving notices under section 215 of the Town and Country Planning Act 1990 to remedy the condition of land adversely affecting amenity.
- 5.11 Power to make footpath diversion orders under section 257 of the Town and Country Planning Act 1990 and to confirm such orders where no objections have been received.
- 5.12 Approving the terms of planning obligations under section 106 of the Town and Country Planning Act 1990.

- 5.13 Agreeing the modification or discharge of planning obligations under section 106A of the Town and Country Planning Act 1990; and, following consultation with the Chairman and Vice-Chairman of the Planning Committee and relevant ward councillors, under sections 106BA-BC of the same Act.
- 5.14 Authority to make and serve Tree Preservation Orders and to grant consent to fell, top or lop a tree or trees subject to a Tree Preservation Order.
- 5.15 Authority to decide whether to include in a Tree Preservation Orders a direction that section 201 of the Town and Country Planning Act 1990 should apply to the order.
- 5.16 Authority to confirm a Tree Preservation Order in the absence of any duly made objection.
- 5.17 Authority to fell dangerous trees in accordance with section 23 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.18 Authority to commence prosecution for any breach of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 5.19 Authority to consider the introduction of Article 4 Directions, as may be relevant, to each locally listed building and thereafter, and following appropriate consultation, introduce such directions.

6 HEAD OF TECHNICAL SERVICES

Assets/Concessions

- 6.1 Determining applications in accordance with any current procedure on the Licensing/Leasing of Concessions for the use of council land/assets.
- 6.2 Seeking and awarding tenders for licensed tendered concessions in accordance with the procedure on the Licensing of Concessions.
- 6.3 Instructing the District Valuer and Valuation Officer to act on the Council's behalf on negotiating and agreeing rents with leaseholders of the Council.
- 6.4 Taking, granting, and renewing leases for periods not exceeding seven years.
- 6.5 Granting permissions for persons/organisations to use Council owned property for activities that benefit the community in general subject to insurance requirements being met
- 6.6 Granting permissions for persons/organisations to use Council owned property for activities that benefit an individual/organisation, as deemed appropriate, subject to a charge being made in consultation with the Chief Financial Officer and the appropriate insurance requirement being met.

Building Control

- 6.7 Any function of the council under the Building Act 1984 or Building Regulations, except setting a fee or charge.
- 6.8 Receiving and acting on recommendations and guidance of the Health and Safety Executive in its capacity as the regulator under the Building Safety Act 2022.

Highways/Transport

- 6.9 Following consultation with councillors for affected wards, commenting on behalf of the council on any proposed Traffic Regulation Order or general highway matter submitted for comments/observations by the Highway Authority.
- 6.10 Following consultation with councillors for affected wards, commenting on proposals submitted by the Highway Authority to make an order or an amendment order or agreement affecting a public right of way.
- 6.11 Making representations or formal objections to Traffic Commissioners on applications for LGV or PSV operator’s licences.
- 6.12 Dealing with the numbering/re-numbering of properties.
- 6.13 Power to make orders under section 21 of the Town Police Clauses Act 1847 for preventing obstructions in the streets during public processions, etc.

7 HEAD OF REGENERATION AND PROJECTS

- 7.1 Exhibiting, promoting, publicising and implementing the services of the council for economic development in accordance with the economic development strategy.
- 7.2 Applying for funding that would enhance/add value to existing economic related strategies.

8 HEAD OF CULTURAL SERVICES

- 8.1 Closing leisure facilities or removing equipment without notice in the interests of public safety, or for the purposes of maintenance and repair.
- 8.2 Letting allotments and serving notices to quit to allotment holders or allotment associations.
- 8.3 Providing and managing a comprehensive range of indoor and outdoor leisure facilities and programmes.
- 8.4 Determining requests for use of Council-owned land held for recreational purposes and levying such additional charges as individual circumstances dictate.
- 8.5 Varying agreed charges for hire or admission to facilities in order to maximise their use by the promotion of special offers or in order to protect income in response to market forces.
- 8.6 Promoting sporting, recreational, cultural and public entertainment activities and special events including liaison with and assistance to other organisations or bodies engaged in such activities.
- 8.7 Discharging any other function of the Council in respect of the development and management of the Cultural Services functions of the Council.
- 8.8 Administering the Council’s responsibilities and powers under the Open Spaces Act 1906.

9 HEAD OF HEALTH AND HOUSING

9.1 Administering the Council's functions as a burial and cremation authority.

9.2 Exercising the functions of the council under the following legislation:

- (a) Housing Grants Construction and Regeneration Act 1996 (and reviewing any such notice under section 84 of the Act)
- (b) The Housing Act 1985
- (c) Part II of the Public Health Act 1936
- (d) Sections 76-83 of the Building Act 1984
- (e) Sections 352, 358, 364 and 354-357 (inclusive) of the Housing Act 1985 and imposing reasonable charges where charges may be made.
- (f) Carrying out the council's functions under Sections 365 and 368 of the Housing Act 1985 and Chronically Sick and Disabled Persons Act 1970.
- (g) Exercising the council's functions under Part VII of the Housing Act 1996 (Homelessness) and the Homelessness Act 2002.
- (h) Carrying out the council's functions under the Housing Act 2004.
- (i) Exercising the council's functions under the Housing Grants Construction and Regeneration Act 1996 and determining applications under the Act for grants.
- (j) Exercising the council's power to provide assistance under article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, in accordance with the council's policy for the provision of assistance under that article.
- (k) Administering the council's responsibilities under the HEC Act 1996.
- (l) Exercising the Council's functions, as a housing authority in relation to the provisions of the Local Government (Misc provisions) Act 1976.
- (m) Exercising the Council's functions in relation to the provisions of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme) (England) Order 2014 No. 2359.
- (n) Exercising the Council's functions in relation to the provisions of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- (o) All powers under Part 2 and Schedule 1 of the Housing and Planning Act 2016 (and any regulations made thereunder) relating to banning orders, database of rogue landlords and rent repayment orders.
- (p) Exercising the council's functions under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

9.3 In respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the legislation set out in clause 5.10:

- (i) deciding applications for authorisations, registration, consents, licences or certificates of approval;
- (ii) serving notices (including fixed penalty notices) and taking consequential action, including carrying out work in default;

- (iii) issuing formal cautions;
- (iv) recommending to the Head of Governance the institution of legal proceedings;
- (v) authorising officers, or other persons, to exercise statutory functions (including powers of entry and obtaining warrants);
- (vi) issuing closing orders with respect to take-away food shops; and
- (vii) registering premises and stalls for the sale of goods by way of competitive bidding.

9.4 The legislation referred to in clause 9.3 is the following statutes and any regulations or statutory instrument made under any of them:

General

Local Government Act 1972 (in relation to bye-laws made under Section 235)

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Local Government and Housing Act 1989

Public Health

Public Health Acts 1875, 1925, 1936, 1961

Slaughter of Poultry Act 1967

Slaughterhouses Act 1974

National Assistance Act 1948

Health Act 2006

Public Health (Control of Disease) Act 1984

Environment

Prevention of Damage by Pests Act 1949

Clean Air Acts 1956, 1968, 1993

Control of Pollution Act 1974

Refuse Disposal (Amenity) Act 1978

Road Traffic Act 1988 (in relation to dogs on roads)

Water Supply (Water Quality) Regulations 1989

Control of Pollution (Amendment) Act 1989, sections 5 and 5A

Environmental Protection Act 1990

The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018

Water Industry Act 1991

Radioactive Substances Act 1993

Criminal Justice and Public Order Act 1994

Environment Act 1995

Noise Act 1995

Clean Neighbourhoods and Environment Act 2005

Dogs/Pets/other animals

Guard Dogs Act 1975

Animal Health Act 1981

Deer Act 1991

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Food/Safety

European Union (Withdrawal) Act 2018

The Health and Safety at Work Act 1974

Food Act 1984

Food and Environment Protection Act 1985

Food Safety Act 1990

Sunbed (Regulation) Act 2010

Licensing

Town Police Clauses Act 1847

Caravan sites and Control of Development Act 1960

Caravan Sites Act 1968

Mobile Homes Act 1983

Mobile Homes Act 2013

County of Lancashire Act 1984

Sunday Trading Act 1994

Scrap Metal Dealers Act 2013

Gambling Act 2005

Business and Planning Act 2020

Building Control

Building Act 1984

Roads/Highways

The Road Traffic Regulations Act 1984

The Road Traffic Act 1991

The Traffic Management Act 2004

Licensing/Gambling/Consumer Wellbeing

9.5 Deciding the following matters under the Licensing Act 2003:

- (i) Applications for personal license where no objection notice has been served by the police;

- (ii) Applications for premises license or club premises certificate where, in either case, no relevant representation has been made;
- (iii) Applications for provisional statement where no relevant representation has been made;
- (iv) Applications to vary premises license or club premises certificate where no relevant representation has been made;
- (v) Applications to vary designated premises supervisor where no police representation has been made;
- (vi) Requests to be removed as designated premises supervisor;
- (vii) Applications for transfer of premises licence where no police representation has been made;
- (viii) Determining whether a representation about an application for a premises licence or a provisional statement is irrelevant, frivolous or vexatious;
- (ix) Determining whether a representation about an application for a club premises certificate is irrelevant, frivolous or vexatious; and
- (x) Deciding whether to object to an application where the council is a consultee and not the licensing authority.
- (xi) Exercising the functions of the council as a responsible authority under section 13(4) (za), (c) and (e).
- (xii) Suspension of a Premises Licence or Club Premises Certificate for non payment of the annual fee in accordance with S55A or S92A.

9.6 Deciding the following matters under the Gambling Act 2005:

- (i) Application for premises licences where no representations have been received or where representations have been withdrawn;
- (ii) Application for a variation to a licence where no representations have been received or where representations have been withdrawn;
- (iii) Application for a transfer of a licence where no representations have been received from the Gambling Commission;
- (iv) Application for a provisional statement where no representations have been received or where representations have been withdrawn;
- (v) Application for club gaming/club machine permits where no representations have been received or where representations have been withdrawn;
- (vi) Applications for gaming machine permits, up to a total maximum of 4 machines;
- (vii) Applications for other permits;
- (viii) Whether representations are frivolous, vexatious or likely to have no influence on a decision;
- (ix) Whether to make representations against an application or review a premises licence;
- (x) Cancellation of licensed premises gaming machine permits; and
- (xi) Consideration of temporary use notice.

- 9.7 Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer; and in particular:
- (a) agreeing transfers of responsibility for enforcement in the circumstances set out in Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1998 in relation to inspection of work places;
 - (b) agreeing assignment in cases of uncertainty in the circumstances set out in Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1998 in relation to inspection of work places; and
 - (c) authorising any other person to accompany any duly appointed inspector of the Council in relation to the power of inspectors contained in Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974.
- 9.8 Determining the Council’s response to consultations by the Environment Agency in relation to Disposal Site Licences under the Control of Pollution Act 1974.
- 9.9 The functions, powers and duties under Sections 16, 19 and 22 of the County of Lancashire Act 1984.
- 9.10 Determination of whether land is “contaminated land” as defined in Section 78A of the Environmental Protection Act 1990.
- 9.11 Appointing officers as inspectors under section 19 (1) of the Health & Safety at Work etc. Act 1974.
- 9.12 Authorising officers to receive information under section 18(2)(c)(i) of the Health & Safety at Work etc. Act 1974.
- 9.13 Giving directions under section 77 of the Criminal Justice and Public Order Act 1994.
- 9.14 Granting but not refusing or revoking licenses under the Caravan Sites and Control of Development Act 1960 and Section 269 of the Public Health Act 1936
- 9.15 Suspending or revoking the licence of a driver of a hackney carriage or private hire vehicle (including suspending or revoking with immediate effect) under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
- 9.16 Administering the Council’s functions under Section 87 of the Public Health Act 1936.
- 9.17 Making proper officer appointments under the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948.
- 9.18 Granting permission to use objects or structures in, on or over a highway for the provision of services or amenities, recreation or refreshment facilities or for purposes which will result in the production of income, for a centre for advice or information or for advertising under section 115E of the Highways Act 1980 except where the notices required to be given under section 115E of the act have resulted in one or more objections being made to the proposed use.

- 9.19 Appointing officers as authorised officers to enforce the provisions of section 2 of the Sunbeds (Regulation) Act 2010.
- 9.20 To appoint persons to act for the purpose of enforcing regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015 in the council’s area.
- 9.21 Under regulation 10 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, to authorise persons to perform the functions conferred by regulation 4 (penalty notices).
- 9.22 Deciding the following matters under the Planning and Business Act 2020:
- (i) the power to make determinations in relation to applications for pavement licences under the Business and Planning Act 2020

10 CHIEF FINANCIAL OFFICER (Section 151 Officer)

- 10.1 Approving the council tax base for the whole district and individual parishes as required by the Local Government Finance Act 1992 and in accordance with relevant regulations.
- 10.2 Properly managing and administering of all the council’s financial affairs in accordance with all statutory requirements, any adopted codes of practice and the Council’s Financial Procedure Rules (including any necessary technical adjustments to the council’s approved budgets or accounts to ensure compliance to safeguard the council’s financial position).
- 10.3 Arranging banking, treasury and other financial services, including indemnities, guarantees, bonds, securities, leasing arrangements and advances.
- 10.4 Executing and administering treasury management decisions in accordance with the council’s policy statement and treasury management practices and CIPFA’s Code of Practice on Treasury Management in the Public Services and Standards of Professional Practice.
- 10.5 Acting as “Accountable Officer” on behalf of the council under the terms of any grant scheme subject to being satisfied that appropriate financial controls are in place.
- 10.6 Writing-off of uncollectable debts up to £25,000.
- 10.7 Determining applications for discretionary and hardship relief in relation to both Council Tax and Business Rate liabilities in accordance with the Council’s approved Council Tax and Business Rates Discretionary Discount Policy.
- Arranging for insurance cover and dealing with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £5,000.

11 HEAD OF REVENUES, BENEFITS AND CUSTOMER SERVICES (SHARED SERVICE)

- 11.1 Determining and administering applications in relation to Council Tax and Housing Benefit.
- 11.2 Determining applications for discretionary and hardship relief in relation to both Council Tax and Business Rate liabilities in accordance with the Council’s approved Council Tax and Business Rates Discretionary Discount Policy; and determining applications for Discretionary Housing Payments in line with agreed budget limits.

11.3 Recovering Council Tax and Business Rates.

11.4 Refunds of overpayments.

11.5 Writing-off of debts up to £5,000 (Council Tax), £5,000 (Housing Benefits), including cumulative debts for individual debtors and, £10,000 (Business Rates) including cumulative debts for individual debtors.

Housing Benefit, Council Tax and Business Rate Debts over these limits and up to £25,000 will be authorised for write off by the Chief Financial Officer and will be reported to the Finance and Democracy Committee for information purposes. Housing Benefit, Council Tax and Business Rate Debts in excess of £25,000 will be authorised for write off by the Finance and Democracy Committee.

PART 4 – RULES OF PROCEDURE
Effective from 24th9 May 2023 20-May-2015 Approved by Council on x 2023 30-March-2015

Procedural Standing Orders for Council and Committees

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Standing Orders of Fylde Borough Council

The Council has made the following Standing Orders in pursuance of its powers under the Local Government Act 1972, Sections 106 and 135 and paragraph 42 of Schedule 12, the Local Government and Housing Act 1989, Section 8, and any other relevant legislation:

1 APPLICATION OF RULES

- 1.1 All of these rules apply to council meetings.
- 1.2 Only some of these rules apply to committee and sub-committee meetings. These are shown in italics.
- 1.3 For the avoidance of doubt when a Procedure Rule states that a request should be made in writing then this includes a request submitted by electronic means.

2 REMOTE ATTENDANCE

2.1 Arrangements for remote attendance

- (a) The chairman may make arrangements to allow (as far as the law permits) a member ('M') to participate in a meeting of the council including any committee, if the following circumstances apply
 - (i) M has notified the Deputy Chief Executive in writing no later than the third working day before the meeting of their wish to participate remotely; and
 - (ii) M has notified the Deputy Chief Executive in writing that M has a disability which may prevent M from reasonably being able to attend the meeting in person.
- (b) Any arrangements must ensure so far as possible that any person attending the meeting is able to hear M's contributions as easily as those of members attending in person.
- (c) M has a disability for the purposes of this rule if M has a disability for the purposes of the Equality Act 2010.
- (d) For the avoidance of doubt, at a meeting that M is attending remotely M may not move or second motions or amendments and may not vote or do any other thing that the law only allows to be done by a councillor who is physically present.

2.2 Substitutes

M may be represented by a substitute under rule 22 or 23 at a meeting of a committee of which M is a member but not by remote access means. The substitute for M would be entitled to participate in the meeting in the same way as members of the committee physically present.

2.3 Interests

- (a) For the purposes of any provision in a code of conduct relating to the declaration of interests, M will be deemed to be present at a meeting in which M is participating remotely.
- (b) M may not participate remotely in any part of a meeting where the business being discussed is business in which M has or should have made a declaration of a disclosable pecuniary interest or a prejudicial interest.

3 DEFINITIONS

In these rules,

- (i) ‘chairman’ means the person presiding at a meeting. This includes the vice-chairman, or any other person presiding at a meeting in the absence of the chairman.
- (ii) “election year” means a year when there is an ordinary election of councillors
- (iii) “non-election year” means a year which is not an election year
- (iv) where the context permits, “Mayor” includes the Deputy Mayor, or any other person presiding at a council meeting in the absence of the Mayor.
- (v) “special meeting” means a meeting of the council other than the annual meeting or an ordinary meeting

4 MEETINGS OF THE COUNCIL

4.1 Annual Meeting

There must be an annual meeting of the council in May each year. In an election year the meeting must take place within 25 days of polling. The meeting will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) elect the new Mayor;
- (iii) appoint the new Deputy Mayor;
- (iv) receive any announcements from the chairman and/or Chief Executive;
- (v) consider any other business set out in the notice convening the meeting.

4.2 Selection of Councillors on Committees and Outside Bodies

In an election year, the annual meeting, in addition to the functions outlined in paragraph 4.1, will:

- (i) ~~a~~Appoint a Leader of the Council
- (ii) decide which committees to establish for the municipal year;
- (iii) decide the size and terms of reference for those committees;
- (iv) decide the allocation of seats to political groups in accordance with the political balance rules; and
- (v) appoint or nominate councillors to serve on outside bodies.

In a non-election year the Council will decide those matters outlined above at the last ordinary meeting before the annual meeting.

4.3 Ordinary Meetings

The Council will agree a schedule of ordinary meetings of the Council ~~before~~ the last ordinary meeting before the annual meeting in each year. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) receive any declarations of interest from members;
- (iii) approve the minutes of the last meeting;
- (iv) receive any announcements from the Mayor and/or the Chief Executive;
- (v) deal with any questions from members of the council submitted under rule 8;

- (vi) deal with any written questions from members of the public submitted under rule 9;
- (vii) deal with any business from the last Council meeting;
- (viii) consider any recommendations and/or reports from committees;
- (ix) consider notices of motion in the order in which they have been received;
- (x) consider any other business specified in the summons to the meeting; and
- (xi) hear any report from a member who represents the council on any outside body on the work of that body or any issue arising from the council's involvement with it (such reports and any subsequent questions to be limited to a maximum of two per meeting and five minutes per report).

4.4 Special Meetings

- (a) Special meetings can be called in five ways:
 - (i) by the Mayor at any time;
 - (ii) by a resolution of the Council;
 - (iii) by the Chief Executive after consultation with the Leader of the Council;
 - (iv) by any five members of the Council if they have followed the procedure in 4.4(b);
 - (v) by the Council's Monitoring Officer.
- (b) If five or more members want to call a special meeting, they must give a written request for a special meeting to the Mayor. If the Mayor refuses to call a meeting or fails to call a meeting within seven days of the written request, the five members may call a special meeting themselves.

5 TIME AND PLACE OF MEETINGS

The Chief Executive will fix the time and place of meetings.

6 NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice of the time and place of any meeting as required by law and the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons as required by law to every member of the Council or the relevant committee or sub-committee at their home address, or other nominated address, which includes electronic address (in accordance with Local Government (Electronic Communications) (England) Order 2015).

7 CHAIRMAN OF MEETING

- 7.1 The Mayor shall preside at all council meetings.
- 7.2 If the Mayor is absent from a council meeting, then the Deputy Mayor, if present, shall preside.
- 7.3 If both the Mayor and Deputy Mayor are absent from a council meeting, the council will elect another member to preside. In such cases the Chief Executive (or [his-their](#) representative) shall conduct the meeting until such time as the member to preside at the meeting has been chosen.
- 7.4 *If the chairman is absent from a meeting of a committee or sub-committee, the vice-chairman shall preside.*
- 7.5 *If both the chairman and vice-chairman are absent from a meeting of a committee or sub-committee, the committee or sub-committee will elect another member to preside. In such cases the Chief Executive (or [his-their](#) representative) shall conduct the meeting until such time as the member to preside at the meeting has been chosen.*

8 QUORUM

During any council meeting if the Mayor counts the number of members present and declares there are not thirteen members present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If [the Mayor he/she](#) does not fix a date, the remaining business will be considered at the next ordinary meeting.

9 QUESTIONS FROM MEMBERS OF THE COUNCIL¹

- 9.1 A councillor may, subject to 9.2, ask a question of the Leader of the Council or the chairman of a committee at an ordinary meeting of the council.
- 9.2 Questions may only be asked under 9.1 if:
- (i) The councillor who wants to ask the question has given it in writing to the Deputy Chief Executive before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before) and has identified who he wants to answer it;
 - (ii) The question is relevant to the terms of reference of the committee whose chairman is to answer it, or is to be answered by the leader of the council;
 - (iii) The question will take no longer than two minutes to ask; and
 - (iv) At the time the question is given to the Deputy Chief Executive, no more than four questions to be asked under this rule at the meeting concerned have previously been given to [herthem](#).
- 9.3 The member who is to answer the question will be given at least 24 hours' notice of it.
- 9.4 The question must be answered at the meeting by the member to whom it is directed, unless:
- (i) the member is not present, or
 - (ii) the question is directed to the leader of the council,
- in either of which cases, the leader of the council may nominate any other member to answer, so long as that member has consented before the meeting.
- 9.5 The councillor who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 9.6 No debate will be allowed arising out of a question asked or answer given under this rule.
- 9.7 No councillor may ask more than one question under this rule (excluding supplementary questions under 9.5) at any meeting.

10 VARIATION OF ORDER OF BUSINESS

Business at an ordinary or special meeting shall be considered in the order in which it is set out on the summons for the meeting, but may be varied:

- (a) by the Mayor at [his/hertheir](#) discretion;
- (b) by a proposition (which need not be in writing) which is duly moved, seconded, put without discussion and carried by the Council.

¹ For clarity members of the public are able, under the procedure rules, to address Council and its committees. The specific arrangements and protocol governing this can be found in Part 2, Article 15 of this Constitution.

11 MOTIONS

11.1 Notice of Motion

(a) Purpose and limitations

Notice of motion is a procedure that allows members of the council to ask the council to discuss any matter for which the Council has a responsibility or which affects the Fylde area.

(b) Giving notice

Any member of the council can give written notice to the Deputy Chief Executive (or a member of the Governance Team in [her-their](#) absence) of a motion they wish to move. The Deputy Chief Executive will publish the motion on the council's website and arrange for it to be placed on the agenda of the next available ordinary council meeting. The "next available" meeting means the first meeting falling more than eight working days after the written notice has been given. Motions will be listed on the agenda in the order in which notice was received.

(c) At the council meeting

The motion will be debated at council subject to it being moved as set out on this rule and seconded. Only the member who gave written notice of a motion under this rule may move it at the council meeting, unless the council indicates its assent to another member moving it in their place.

11.2 Procedural Motions

The following motions may be moved at any council meeting without notice:

- (i) to appoint a chairman of the meeting at which the motion is moved;
- (ii) to amend the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the agenda;
- (vi) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) to suspend a particular council procedure rule;
- (xiv) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (xv) to not hear further a member named under rule 18.3 or to exclude them from the meeting under rule 18.4; and
- (xvi) to give the consent of the Council where its consent is required by this Constitution.

12 RULES OF DEBATE

Please note that there are special rules governing rules of debate at Budget Council meetings, and these can be found at Appendix 1.

12.1 Purpose of rules

The purpose of the rules of debate is to make sure that the council makes informed decisions after giving adequate consideration to any alternative choices. They set out how a member can make a proposal for the council to vote on and how the council should discuss the proposal.

12.2 Moving a motion

The member who wants to make a proposal must tell the council meeting what ~~he is~~they are proposing and explain why ~~he is~~they are proposing it. Unless it is a notice of motion under rule 11.1, the Mayor will require the proposal to be written down and handed to ~~him~~them before it is discussed, consistent with paragraph 12.7(b) below.

12.3 Seconding a motion

Before a proposal can be discussed by the council meeting, it needs to be seconded by another member. The member who seconds the proposal can speak when ~~he~~they seconds it, or can elect to speak later in the debate instead.

12.4 Discussing a motion

When a proposal has been moved and seconded it is called a motion and the council meeting must discuss it and vote on it, subject to the rules on closure motions.

12.5 Speaking about a motion

Every member may speak once on any motion for up to ten minutes, when invited to do so by the Mayor.

12.6 Right of reply

The member who proposed the motion can speak again on it the end of the debate, immediately before the Mayor asks members to vote on it.

12.7 Amending a motion

- (a) When speaking on a motion, a member may propose an amendment to it. An amendment is a proposal to change the motion that is being discussed by taking words out of it or adding words to it or both, as long as the effect of the amendment could not be achieved by defeating the motion.
- (b) Before a proposal to amend a motion can be discussed by the council meeting, it needs to be seconded by another member. The member who seconds the proposal can speak when ~~he~~they seconds it, or can elect to speak later in the debate instead.
- (c) When a proposal to amend a motion has been moved and seconded it is called an amendment and the council meeting must discuss it and vote on it, subject to the rules on closure motions.
- (d) Every member may speak once on any amendment for up to five minutes, when invited to do so by the Mayor.
- (e) The member who proposed the original motion has the right to speak last in the debate about any amendment to it, immediately before the Mayor asks members to vote on the amendment.
- (f) If an amendment is carried, the Mayor will read out the amended motion, which thus replaces the original motion. Members can then continue to debate the motion and may propose further

amendments, which will be dealt with under this rule. After any debate and if there are no further amendments, the Mayor will put the substantive motion as amended to the vote.

- (g) When a member has proposed an amendment to a motion, no-one can propose another amendment until the amendment that has been proposed has been voted on (or has failed because it has not been seconded), although the Mayor may in [his/her/their](#) sole discretion accept notice of further amendment(s).
- (h) All amendments should be submitted in writing and given to officers prior to the ~~{Council}~~ meeting. If this is not possible, a written copy will be accepted during the meeting so that it can be read aloud, thus providing clarity to all members.

12.8 When a member may speak again

A member who has spoken on a motion or an amendment may not speak again on the motion or amendment he has spoken on, except;

- (a) to move a further amendment if the motion has been amended since [he/she/they](#) last spoke;
- (b) in exercise of a right of reply;
- (c) on a point of order; and
- (d) by way of personal explanation.

12.9 Alteration or withdrawal of motion or amendment

- (a) A member who has proposed a motion or amendment may only alter or withdraw it if [his-their](#) seconder and the meeting agrees (the meeting's consent to be signified by a vote, but without discussion) and any alteration is one that could have been made as an amendment.
- (b) If an amendment is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment.
- (c) The proposer of the amendment has no right of reply to the debate on his or her amendment.

12.10 Motions which may be moved during debate

When a motion or amendment is being debated, no-one may propose any other motion or amendment except the following procedural motions:

- (i) to amend the motion presently being debated;
- (ii) to proceed to the next business (*see rule 12.11(b)*);
- (iii) that the question be now put (*see rule 12.11(c)*);
- (iv) to adjourn a debate (*see rule 12.11(d)*);
- (v) to adjourn a meeting (*see rule 12.11(d)*);
- (vi) to exclude the public and press in accordance with the Access to Information Rules; and
- (vii) to not hear further a member named under rule 18.3 or to exclude them from the meeting under rule 18.4.

12.11 Closure motions

- (a) A member may propose, without comment, 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.

If the proposal is seconded, the relevant following procedure will apply.

(b) **On a motion to proceed to next business:**

- (i) The Mayor must immediately put the procedural motion to the vote, without discussion.
- (ii) If the motion is approved then the meeting must proceed to the next business on the agenda and any motion or amendment then being debated is deemed to be lost.
- (iii) If the proposal is defeated the debate on the business under discussion immediately before the motion was proposed will continue.

(c) **On a motion that the question be now put:**

- (i) The Mayor must inform the meeting whether ~~he~~-they thinks that the motion or amendment under debate has been sufficiently discussed.
- (ii) If ~~he~~-the Mayor considers that it has not been sufficiently discussed, ~~he~~-they must allow the debate to continue.
- (iii) If ~~he~~-the Mayor considers that it has been sufficiently discussed, ~~he~~/~~she~~they must put the procedural motion to the vote.
- (iv) If the procedural motion is approved during a debate on an amendment, the Mayor will allow the member who proposed original motion ~~his~~-their right of reply before putting the amendment to the vote.
- (v) Otherwise, the Mayor will allow the member who proposed the original motion ~~his~~-their right of reply before putting the motion to the vote.
- (vi) If a motion that the question be now put is passed when the council is debating a motion rather than an amendment, any amendment of which a member has given notice, but which has not been formally proposed, can not be pursued.

(d) **On a motion to adjourn the debate or adjourn a meeting:**

- (i) The Mayor must inform the meeting whether ~~he~~-they thinks that the motion or amendment under debate is likely to be properly debated without an adjournment
- (ii) If ~~he~~-the Mayor considers that it is likely to be properly debated without an adjournment, ~~he~~-they must allow the debate to continue
- (iii) If ~~he~~-the Mayor considers that it is not likely to be properly debated without an adjournment, ~~he~~-they must put the procedural motion to the vote
- (iv) If the procedural motion is approved, the debate or meeting will be adjourned.

12.12 Point of order

If a member believes that there has been a breach of these standing orders or any other legal requirement at a council meeting, ~~he~~-they may raise it at the meeting by making a point of order. ~~He~~-The member must specify the breach of procedure to the Mayor, whose ruling will be final.

12.13 Personal explanation

A member may make a personal explanation at a council meeting. A personal explanation may only relate to some material part of an earlier speech by the member that 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.

13 PREVIOUS DECISION AND MOTIONS**13.1 Motion to rescind a previous decision**

A decision made at a Council or Committee meeting within the past six months can only be re-opened by a notice of motion if signed by at least eight members (from at least two political groups), of the Council or the Committee in question. Where a committee has fewer than eight members, the notice of a motion must be signed by all of them.

13.2 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 (other than a motion deemed to have been lost under rule 12.11(b)) can only be moved following a notice of motion signed by at least eight members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14 VOTING**14.1 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.

14.2 Chairman's casting vote

If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

14.3 Show of hands

Unless a ballot or recorded vote is required under rule 14.4 or 14.5, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Ballots

The vote will take place by ballot if the majority of members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

14.5 Recorded vote

- (i) *There will be a recorded vote taken when five members request it prior to the vote being taken on the item under discussion, unless 14.5 (ii) below applies.*
- (ii) *Any vote relating to the budget or Council Tax, taken at Budget Council, will be recorded.*

14.6 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.

15 MINUTES

The minutes of a meeting of the Council or a Committee must be signed at the next ordinary or special meeting of the council or the next meeting of the Committee. The only matter which may be discussed is the

accuracy of the minutes. Any challenge to the previous Council Minutes must be submitted to the Monitoring Officer within five working days of the formal publication of the Minutes. Verbal challenges during the meeting will not be accepted.

16 RECORD OF ATTENDANCE

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.

17 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded under the Access to Information Rules in Part 4e of this Constitution or standing order 19 (Disturbance by Public).

18 MEMBERS' CONDUCT

18.1 Standing to speak

When a member speaks at a 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 or a point of personal explanation.

18.2 Chairman standing

When the chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

18.3 Member not to be heard further

If a member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may propose that the member be not heard further. If seconded, the motion will be voted on without discussion.

18.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the chairman may propose that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19 DISTURBANCE BY PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

19.2 Clearance of part of meeting room

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

19.3 General disturbance

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

20 QUORUM OF COMMITTEES/SUB-COMMITTEES

- (i) *The quorum of Committees ~~and~~/Sub-Committees shall be one-quarter of the whole number of the members of that Committee ~~or~~/Sub-committee provided that the quorum shall not be less than 3 members.*
- (ii) *During any meeting of a Committee ~~or~~/Sub-committee if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If ~~he/she~~the chairman does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee ~~or~~/Sub-committee.*

21 ELECTION OF CHAIRMAN OF COMMITTEE

- (a) *The Council shall appoint a Chairman and Vice-Chairman for the year in respect of each Committee. The Council may only remove a chairman or vice-chairman:*
 - (i) *by notice of motion under 11.1, or*
 - (ii) *by removing him from the committee in accordance with the wishes of a political group under section 16(2) of the Local Government and Housing Act 1989.*
- (b) *In the absence from a meeting of the Chairman and Vice-Chairman the Committee must appoint a Chairman for that meeting.*
- (c) *A Sub-committee shall appoint a chairman and vice-chairman at its first meeting.*

22 SPECIAL MEETINGS OF THE COMMITTEE

- (a) *The Chairman of a Committee may call a special meeting of the Committee at any time.*
- (b) *A special meeting of a Committee shall also be called on if demanded by at least one-third of the whole number of the Committee.*
- (c) *The demand for the meeting must be delivered in writing to the Chief Executive and must specify the subject matter for the proposed meeting, which must be within the Terms of Reference of the particular Committee.*
- (d) *The special meeting must be called within 10 working days of receipt of the requisition. The summons to the special meeting will set out the business to be considered and no business other than set out in the summons can be considered at the meeting.*

23 ENTITLEMENT TO ATTEND MEETINGS (INCLUDING SUBSTITUTIONS)

- (a) *Members of the Council may attend any Committee or Sub-committee even if they are not a member of it and may address the committee once on each item being considered by the committee, but must not otherwise take part in the proceedings without the consent of the Chairman, and must not vote*
- (b) *Members of the public can address council or committee meetings as permitted by Article 15 of the Council's Constitution, or exceptionally, with the consent of the chairman.*
- (c) *If ~~he~~they will be absent from the whole of a committee or sub-committee meeting, a member may, subject to paragraph (d), be represented by a named substitute member, but only if the intended substitution is notified to the ~~Director of Resources~~Deputy Chief Executive (or ~~her~~their representative) ~~no later than the day~~ before the meeting either:*
 - (i) *by the member who will be absent; or*

- (ii) *by or on behalf of the leader of ~~his~~-~~their~~ political group (but only if the member who will be absent does not notify a substitution at any time before the start of the meeting).*
- (d) *No member may act as substitute at a meeting of a committee if ~~he~~-~~they~~ ~~has~~-~~have~~ previously acted as substitute at three meetings of that committee during the municipal year.*
- (e) *23(c) and (d) do not apply to the Planning Committee. Rule 24 applies instead.*
- (f) *Substitute members may speak, propose or second motions and amendments and vote as though they were a member of the Committee or Sub-Committee.*

24 SUBSTITUTES AT PLANNING COMMITTEE

- (a) *If ~~he~~-~~they~~ will be absent from the whole of a meeting of the Planning Committee, a member of that committee may, subject to paragraph (b), be represented by a Reserve Planning member but only if the intended substitution is notified to the ~~Director of Resources~~~~Deputy Chief Executive~~ (or ~~her~~-~~their~~ representative) ~~no later than the day~~ before the meeting either:

 - (i) *by the member who will be absent; or*
 - (ii) *by or on behalf of the leader of ~~his~~-~~their~~ political group (provided that the member who will be absent does not notify a substitution at any time before the start of the meeting).**
- (b) *A Reserve Planning Member is a member who has been named as such by the Planning Committee.*
- (c) *There can be no more than ten Reserve Planning Members at any time.*
- (d) *The Planning Committee can only name as a Reserve Planning Member a member whom they consider:

 - (i) *has a sufficient level of experience or training to enable ~~him~~-~~them~~ to contribute to the work of the committee; and*
 - (ii) *is willing and available to frequently attend meetings of the committee (whether or not acting as a substitute).**

25 CONFIDENTIALITY

Members should not disclose (whether verbally, in writing or otherwise) any information, material or matter presented to or considered or decided by a meeting of the Council or Committee/Sub-committee following the exclusion of the press and public from the meeting or meetings concerned unless the Chief Executive has expressly consented in writing.

26 DECISIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any matter or question arises at a meeting of the Council, a Committee or Sub-committee concerning the appointment, conduct, promotion, dismissal, suspension, salary, pension, conditions of service or other personal facts or circumstances of any person employed by the Council, that matter or question shall not be discussed until the meeting has decided whether or not to exercise its powers to exclude the press and public during the consideration of that item, pursuant to Section 100A(4) of the Local Government Act 1972 or any re-enactment of that legislation.

27 DECISION OF THE CHAIRMAN

- (a) *The ruling of the Chairman at any meeting of the Council, or a Committee ~~or~~ sub-committee concerning the conduct of that meeting, the interpretation, construction or application of these rules or questions of order, procedure, propriety, relevancy or regularity; shall be final and shall not be challenged or disputed at any meeting of the Council, ~~or a~~ Committee or sub-committee.*
- (b) *The Chairman must stop any discussion which, in ~~his/her~~their opinion, is irrelevant to the consideration of the business before the meeting or does not concern the economic, social or environmental well being of the district (as the case may be).*

28 SUSPENSION AND AMENDMENT OF STANDING ORDERS

28.1 Suspension

Any of these standing orders may be suspended by motion for the duration of the meeting. But the motion to suspend must be on notice unless at least half of the whole number of members of the Council, committee or sub-committee are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these standing orders, when proposed and seconded, shall stand adjourned without discussion to the next ordinary meeting of the Council except where it is a result of a proposal put forward by the Audit and ~~Standards-Governance~~ Committee or a proposal from the Chief Executive or the Monitoring Officer in accordance with provision 13.05 'Amendments and Alterations Generally.'

APPENDIX 1 - Budget Council Procedure Rules

The following rules are to be used at Budget Council meetings and replace the usual procedure rules. A copy will be provided to each member before the start of the meeting, reading as follows:

Full Council Budget Meeting

- 1 **The Leader of the Council** will make ~~his~~their budget presentation to the Council. There is no time limit on this presentation.
- 2 The **Leader of the Council or the Chairman of the Finance and Democracy Executive Committee** will then **Move** a Motion (**the Substantive Motion**) to recommend all the Council Tax resolutions and speak to the same. There is no time limit on the moving and speaking to this motion by the Leader of the Council or the Chairman of the ~~Finance and Democracy Executive~~ Committee.

Once this is **seconded** the **following process will be followed**:

- 3 The **Mayor** will at this point ask the Leader of the Opposition and non-aligned members to indicate whether they will be presenting an alternative budget or whether they will be moving any amendments (an indication will be given but the amendments (if any) will not be tabled until the moving, seconding and full debate on the budget proposals has run its course). Amendments from any other member will be heard after the debate on the substantive motion or amendments from the Leader of the Opposition and non aligned members have been concluded.
 - 3.1 The **Substantive Motion** will then be debated when any member can indicate to speak on the Motion being put. No speech by a member may exceed 10 minutes and each speaker may speak only once (Part 4, 12.5).
 - 3.2 **If there is no Amendment** moved then the mover of the original motion, will have a right to reply at the end of the debate immediately before the **Motion** is put to the vote (Part 4, 12.6). The vote will be recorded (Part 4, 14.5(ii))
 - 3.3 **However, if the Leader of the Opposition indicated that ~~she~~they would be presenting an alternative budget/moving an amendment ~~she is~~they are invited to do so and there is no time limit.**
 - 3.4 No speech by any other member may exceed 5 minutes, and each speaker may speak only once (Part 4, 12.7.d). 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 (Part 4, 12.7.e). This applies to all further amendments.
 - 3.5 **The Mover of an Amendment** has no right of reply on ~~his or her~~their Amendment (Part 4, 12.9(c)).
 - 3.6 **The Seconder of a Motion or Amendment** can reserve the right to speak for a later period in the debate (Part 4, 12.3 and 12.7.b).
 - 3.7 **If the first Amendment is lost** then subsequent Amendments may be moved to the original Motion firstly by any non-aligned members and then any other members (Part 4, 12.7.g).

3.8 If an **Amendment is carried** the Motion as amended takes the place of the original Motion. This becomes the substantive Motion to which any further amendments are moved (Part 4, 12.7.f).

3.9 The **Motion** must be **Seconded** and any **Amendments** must be **Moved, Seconded and voted upon**. The vote will be recorded (Part 4, 14.5(ii))

3.10 In the event of all the amendments being lost **the original Motion will be put**.

The rules of debate for moving and amending motions will be in line with those set out in paragraph 12 of Part 4 of the constitution (rules of debate procedure rules).

<i>STANDING NOTE ON DISORDERLY CONDUCT</i>
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A. BY A MEMBER OF THE COUNCIL

In the event of disorderly conduct at the meeting by a member of the Council, the provisions of the Council Procedure Rules apply as follows:

MEMBER’S CONDUCT

Member not to be heard further

If a member persistently disregards the ruling of the {Mayor} by behaving improperly or offensively or deliberately obstructs business, the {Mayor} may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

B. BY MEMBERS OF THE PUBLIC

In the event of disorderly conduct at the meeting by a member of the public, the provisions of the Council Procedure Rules apply as follows:

1. If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.
2. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared and may adjourn the meeting as felt necessary.

PART 4a – OFFICER EMPLOYMENT PROCEDURE RULES
Effective from 20-9 May 2023 2015 Approved by Council on X 2023 30-March-2015

1 RECRUITMENT AND APPOINTMENT**1.1 Declarations**

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

1.2 Seeking support for appointment.

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

2 APPOINTMENT, DISMISSAL AND DISCIPLINE OF CHIEF OFFICERS

The Chief Officers Employment Committee deals with the appointment, dismissal and discipline of ~~Chief Designated~~ Officers with terms of reference as described in the rules (the Local Authorities, (Standing Orders) (England) Regulations 2001) and is a politically balanced panel.

3 APPOINTMENT OF CHIEF EXECUTIVE

The appointment of a Chief Executive may be made by the Chief Officers Employment Committee on the Council's behalf, and the full Council must approve the appointment before any offer of appointment is made to the person concerned.

4 APPOINTMENT OF ~~OTHER CHIEF~~DESIGNATED OFFICERS

The Chief Officers Employment Committee may appoint any ~~officer d~~esignated ~~as a~~ ~~Chief Officer~~director ~~or any statutory Chief Officers~~ on the Council's behalf.

5 OTHER APPOINTMENTS**5.1 Officers below ~~chief-Designated~~ Officer**

- (i) The function of the appointment of officers below ~~chief-Designated~~ Officer (other than assistants to political groups) must be discharged on behalf of the Council by the Chief Executive (as Head of Paid Service), or by an officer nominated by him or her.

5.2 Assistants to political groups.

Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6 DISCIPLINARY ACTION – STATUTORY OFFICERS

6.1 Application

This Rule applies to the Chief Executive (the Head of Paid Service), the [Deputy Chief Executive](#) ~~Director of Resources~~ (the Monitoring Officer) and the Chief Financial Officer (Section 151 Officer).

6.2 Independent person

Except as permitted by 6.3, no disciplinary action may be taken in respect of any of those officers other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

6.3 Suspension

Any of the officers may be suspended for the purpose of investigating alleged misconduct. Any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

7 THE CHIEF EXECUTIVE (THE HEAD OF PAID SERVICE)

The Chief Executive (or other officer designated as the Head of the Paid Service) can only be dismissed by the Chief Officers Employment Committee if the full Council has approved the dismissal before any notice of dismissal has been given to him.

8 DISCIPLINARY ACTION – CHIEF OFFICERS

The function of taking disciplinary action in respect of ~~Chief Officers other than~~ the Chief Executive or a Designated Officer may be exercised on the Council's behalf by the Chief Officers Employment Committee appointed by the Council for that purpose.

9 DISCIPLINARY ACTION – OTHER OFFICERS

9.1 The function of the dismissal of, and taking disciplinary action against, officers ~~below chief officer (other than assistants to political groups)~~ other than Designated Officers must be discharged on behalf of the Council by the Chief Executive (as Head of Paid Service) or by an officer nominated by him or her.

9.2 Councillors may, however, serve as members of a Committee or Sub-committee established by the Council to consider an appeal by a member of staff of the Council against a decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

10 INTERESTS OF OFFICERS IN CONTRACTS

The Chief Executive and eEach ~~Head of Service~~Director~~Designated Officer~~ shall record in [the electronic register](#)~~a book to be~~ kept for the purpose particulars of any notice given by any officer in his/[her service directorate](#) under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract. The book [register](#) must be available for inspection by any member of the Council during office hours.

11 INTERPRETATION

In these Rules:

- (a) ~~“Chief Designated Officer”~~ means [the Deputy Chief Executive and](#) any member of staff who is ~~designated as a head of service~~~~a statutory or non-statutory chief officer or a deputy chief officer~~ ~~within the meaning of Section 2 of the Local Government and Housing Act 1989;~~
- (b) “disciplinary action” in relation to a member of staff of the Council means any action occasioned by alleged misconduct which, if proved, would , according to the usual practice of the Council, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract; and
- (c) “member of staff” means a person appointed to or holding a paid office or employment.

PART 4b – CONTRACTS PROCEDURE RULES
Effective from 24 May 2023 May 2015 Approved by Council on X 2023 17 October 2016

1 GENERAL

1.1 Subject to rule 1.2, every contract made by or on behalf of the Council shall comply with:

- (i) these Rules;
- (ii) the Council’s Financial Regulations;
- (iii) all relevant statutory provisions, including in particular the Local Government Act 1988, Part II, the Public Contracts Regulations 2015 (“the Regulations”), the Local Government (Contracts) Act 1997 and the Public Services (Social Value) Act 2012; and
- (iv) any direction by the Council or the relevant committee.

1.2 These Rules shall not apply or may be varied where or to the extent that:

- (i) the Council or the relevant committee so resolves;
- (ii) statute or subordinate legislation prescribes otherwise;
- (iii) subject to rule 18, the contract is for consultancy services;
- (iv) the contract is for the services of counsel, professional witnesses or external solicitors in relation to a specific matter;
- (v) The contract has been dealt with by another public authority under a procedure that complies with that authority’s contracts procedure rules for contracts of that kind and the relevant ~~director~~ head of service holds written confirmation of such compliance;
- (vi) the contract relates to goods bought at an auction; or
- (vii) the contract is for goods, works or services of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product; or
- (viii) The contract is covered by the Land Transaction Procedure Rules

1.3 Buyers should normally follow the guidance in the “Guide to Buying for the Council”, which is available on the council’s [intranet](#). They should record and be able to explain the reason for any decision to not follow the guide.

1.4 In these rules, “bid” is used to refer to tenders and quotations, and the “bidder” is to be construed accordingly.

2 PROCEDURES

2.1 All contracts will be dealt with under one of the procedures available for that type of contract as set out in the table below.

Type of contract	Definition	Available procedures
Exempt contract	A contract where the estimated value of goods and services to be supplied is £25,000	Qualified informal procedure

PART 4b – CONTRACTS PROCEDURE RULES

	<p>or more and other procedures cannot practicably be followed because:</p> <p>(i) the contract is an extension of an existing contract;</p> <p>(ii) the goods, materials or works desired are of a proprietary or special character or for other reasons there would be no genuine competition; or</p> <p>(iii) in the opinion of the Chief Executive the need for the goods materials or works is urgent.</p>	
Small contract	A contract where the estimated value of goods and services to be supplied is less than £25,000.	<p>Informal procedure;</p> <p>Request for quotation</p> <p>Open Tendering</p> <p>Restricted Tendering</p> <p>Framework agreement</p>
Mid-range contract	A contract (other than an exempt contract) where the estimated value of goods and services to be supplied is £25,000 or more, but less than £100,000.	<p>Request for quotation</p> <p>Open tendering</p> <p>Restricted tendering</p> <p>Framework agreement</p>
Large contract	A contract (other than an exempt contract) where the estimated value of goods and services to be supplied is £100,000 or more	<p>Open tendering</p> <p>Restricted tendering</p> <p>Framework agreement</p>

- 2.2 The buying officer must decide which one of the available procedures to use unless the Council, a meeting of the relevant committee, or the Chief Executive has directed otherwise.
- 2.3 Descriptions of procedures referred to in the table above are set out in rule 3.
- 2.4 Before entering into a contract for the purchase of any goods or services or the execution of any work, the buying officer must determine a realistic pre-estimate of the anticipated costs associated with the contract, including any maintenance costs, and ~~satisfy himself~~ be satisfied that budgetary provision exists to cover them.

3 DESCRIPTION OF PROCEDURES

3.1 The table below contains descriptions of the procedures referred to in rule 2.1

Procedure	Description
Qualified informal procedure	The procedure is that the relevant director <u>head of service</u> must be satisfied that the arrangements made secure the best available terms to the Council commensurate with the contract risk and value and provide adequate protection against fraud and collusion and must report the circumstances to the next available meeting of the relevant committee.
Informal procedure	The procedure is that the buying officer must be satisfied that the arrangements made secure the best available terms to the Council, commensurate with the contract risk and value and provide adequate protection against fraud and collusion.
Request for quotation	The procedure is the buying officer must invite at least three quotations using an approved procurement portal in accordance with rule 6.
Open tendering	The procedure is that the buying officer must advertise the opportunity on the approved procurement portal, including a link to express interest to the opportunity and allow for at least 14 days to submit a tender, in accordance with rule 6.
Restricted tendering	The procedure is the same as open tendering, except that tenders are only to be invited from at least three, but no more than six, prospective tenderers who have been pre-qualified in accordance with rule 5, and: <ul style="list-style-type: none"> (i) If the list contains less than three prospective tenderers, all must be invited to tender; (ii) If the buying officer, after consulting the Procurement Officer, considers a prospective tenderer unsuitable they need not be invited to tender and the Procurement Officer must record in writing the reasons why they were not so invited.
Framework agreement	The procedure is that the buying officer must satisfy himself <u>be satisfied</u> that the framework agreement has been let in compliance with all relevant legislation and can lawfully be accessed by the council. Goods, services or works supplied through a framework agreement must be ordered in compliance with the specific rules and procedures for accessing that framework.

3.2 “Approved procurement portal” means a procurement portal approved for the time being by the Director of ResourcesHead of Governance.

4 CONTRACTS SUBJECT TO THE REGULATIONS: ABOVE THE THRESHOLDS

4.1 Where the estimated value of a contract exceeds any relevant threshold in the Regulations then the buying officer **must** consult the Procurement Officer or Head of Governance prior to commencing the procurement and must have regard to any guidance given by them during the procurement process.

5 RESTRICTED TENDERING

5.1 A pre-qualified stage is not permitted in any procurement below the threshold set out in the Regulations for goods and services. However, suitability assessment questions relating to a potential tenderer may be asked provided that the questions are relevant and proportionate to the subject matter of the procurement.

5.2 When a pre-qualification stage is used, expressions of interest must be sought on the approved procurement portal and tenderers must be complete a standard selection questionnaire. The questionnaire must be evaluated in accordance with the criteria notified to tenderers and a list compiled of tenderers to be invited to the second stage.

6 INVITATION TO TENDER

6.1 An invitation to tender for a contract whose value is estimated to exceed £25,000 must include:

- (i) a description of the services, supplies or works being procured;
- (ii) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
- (iii) instructions for completing and returning the tender documentation;
- (iv) notification that tenders received after the closing date and time will not be considered;
- (v) a specification and instructions on whether any variants are permissible;
- (vi) the Council’s terms and conditions of contract;
- (vii) the evaluation criteria including any weightings;
- (viii) pricing mechanism and instructions for completion;
- (ix) whether the Council is of the view that TUPE may apply;
- (x) form and content of method statements to be provided;
- (xi) rules for tender submission;
- (xii) any further information which will inform or assist tenderers in preparing tenders;
- (xiii) contract finder notice(s).

7 TENDER/QUOTATION CLARIFICATION

- 7.1 Bidders may request clarification on aspects of the competition documentation prior to submission by submitting a clarification question through the approved procurement portal. The buying officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the approved procurement portal. Care should be taken not to reveal the identity of the bidder or any information which may be deemed to be commercially confidential to them during the clarification process.

8 RECEIVING TENDERS AND QUOTATIONS

- 8.1 The buying officer must ensure that (unless the Head of Governance~~ment~~ has agreed otherwise) no bid is considered for acceptance unless it has been received on the approved procurement portal no later than the time and date specified for submission.

9 ERRORS IN BIDS

- 9.1 Errors in bids must be dealt with by asking the bidder to confirm the bid as submitted or withdraw their bid. However, where a bidder has made a visible and genuine arithmetical error, they may be given an opportunity to correct that error. Other than where specifically provided for in the Regulations (e.g. when using the Competitive Dialogue procedure) no other adjustment, revision or qualification is permitted.
- 9.2 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in bids and the reflection which any such procedure may have on the integrity of the Officers and Members of the Council. It is essential that whatever procedure is adopted is transparent and fair and equitable to all bidders.

10 EVALUATION AND AWARD

- 10.1 The competition documentation for any contract must include evaluation criteria for the award of the contract.
- 10.2 The evaluation criteria must be intended to ensure that the contract is awarded to a suitable bidder whose bid is the most economically advantageous to the council.
- 10.3 All bids shall be evaluated in accordance with the evaluation criteria notified to bidders in the competition documentation.
- 10.4 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 10.5 Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.
- 10.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

11 STANDSTILL PERIOD

- 11.1 For all contracts under the Regulations, a ten-calendar day 'standstill period' must be observed between the decision to award and contract conclusion. Although the Standstill period is counted in calendar days, it must end on a working day. Buying officers should consult the Procurement Officer for advice of the specific detail which must be included in Standstill Letters under the Regulations. The Standstill Period is an express requirement in the Regulations and must be followed.

12 POST-TENDER NEGOTIATIONS

- 12.1 Where a procurement is conducted pursuant to the Regulations through either the Open or Restricted procedures no post tender negotiations are permitted. However, the Council may seek clarification from bidders where appropriate.
- 12.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

13 CONTRACT AWARD NOTICE

- 13.1 All contracts awarded under the Regulations must be announced by means of a Contract Award Notice on Find a Tender, transmitted no later than 30 calendar days after the date of the award.
- 13.2 All contracts awarded above £25,000 in value whether openly advertised or not must be published on Contracts Finder in accordance with the Regulations and published Crown Commercial Service (CCS) guidance.

14 NOMINATED SUB-CONTRACTORS

- 14.1 This Rule applies where a sub-contractor or supplier is to be nominated to a main contractor.
- 14.2 If the estimated amount of a sub-contract exceeds £25,000 , bids for the nomination must be invited and dealt with in accordance with these Rules as if the bids invited were for a contract with the Council, unless the relevant director considers that it is not reasonably practicable to obtain competitive tenders or quotations.
- 14.3 Any invitation for nomination under Rule 14.2 must require the bidder to agree that if selected they will enter into a contract with the main contractor which indemnifies the main contractor in relation to the works or goods included in the sub-contract.

~~14.3~~

15 STANDARDS

- 15.1 The contract must require goods and materials to comply with any relevant specification issued by a relevant standards agency , unless the buying officer considers it inappropriate.

16 PREVENTION OF BRIBERY

- 16.1 Every contract that exceeds £50,000 in value must include a clause allowing the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if:
- 16.2 the contractor has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing anything relating to the

contract or any other contract with the Council or for favouring or not favouring any person in relation to such contract;

- 16.3 similar acts have been done by any person employed by the contractor or acting on their behalf; or
- 16.4 the contractor or any person employed by them or acting on their behalf has committed any offence under the Bribery Act 2010 or given any fee or reward the receipt of which is an offence under Section 117 of the Local Government Act 1972.

DATA PROTECTION

- 17.1 As part of evaluation, the buying officer is required to make an assessment of whether there are any data protection implications to the Council, and if there are, to seek guidance from the Council's Data Protection Officer and Procurement Officer.
- 17.2 Notwithstanding anything else in these rules, where a contract will require or allow the contractor to process personal data on behalf of or held by the council, the contract will only be awarded to a bidder who the council is satisfied will implement appropriate technical and organisational measures to ensure processing will meet the requirements of the Data Protection Act 2018 and protect data subjects' rights and who is willing to enter into any contractual terms required by any competent authority to be included in a contract between a processor and controller.
- 17.3 Where a contract is not awarded to the leading bidder because the council is not satisfied as required by rule 17.2, or because the leading bidder is unwilling to enter into any such contractual terms, the council may exclude the leading bidder and award the contract as if the leading bidder had not made its bid.
- 17.4 In this rule, "controller" "processor" and "personal data" have the same meaning as in the Data Protection Act 2018.

18. CONSULTANTS

- 18.1 These Rules apply to the engagement of consultants, with the proviso that in circumstances requiring flexibility or where there are specialised needs, the relevant director may agree alternative arrangements with the Chief Executive.

19. BREACH OF CONTRACTS PROCEDURE RULES

- 19.1 In the event of a significant breach of these Rules, the Chief Financial Officer shall report details to the next meeting of the [Executive Finance and Democracy](#) Committee, with any proposals for remedial action.

PART 4c – LAND TRANSACTION PROCEDURE RULES	
Effective from 20 May 2015	Approved by Council on 30 March 2015

1 GENERAL

Subject to Rule 1(ii), every contract to sell or buy land made by or on behalf of the Council shall comply with:

- (i) these Rules;
- (ii) the Council's Financial Regulations;
- (iii) all relevant statutory provisions, including in particular the Local Government Act 1972, section 123;
- (iv) any direction by the Council or the relevant committee, but
- (v) these rules shall not apply to the grant, surrender, or renewal of leases or tenancies.

These Rules shall not apply or may be varied where or to the extent that:

- (vi) the Council or the relevant committee so resolves; or
- (vii) statute or subordinate legislation prescribes otherwise.

2 DEFINITIONS

In these rules:

- "Buying" land includes receiving gifts of land and "selling" it includes disposing of it or granting an interest in it for no consideration;
- "Decision-Maker" means the person or body who has exercised the power to decide to sell or buy the land on the council's behalf;
- "Chief Executive" means the officer designated by the Council under section 4(1) of the Local Government and Housing Act 1989 as the head of its paid service and "his Deputy" refers to the officer designated by the Council under section 5(1) of the Local Government and Housing Act 1989 as its monitoring officer;
- "Disposal Plan" is defined in rule 4:
- An "Interest" in land includes any licence to use land for six months or more;
- "Land" includes buildings and anything on the land and any interest in land;
- "Surveyor" means the council's Estates and Asset Manager or (if that post is vacant or the Estates and Asset Manager is unable to act) any other appropriately qualified valuer or surveyor instructed for the purpose by the Chief Executive or his Deputy;
- "Valuation Report" is defined in rule 13.

3 DECISIONS TO SELL LAND

3.1 Only the Chief Executive or his Deputy may recommend that the council sell land.

- 3.2 The Chief Executive or his Deputy must, before recommending that the council sell land, obtain a Disposal Plan for the land and ensure that his report to the Decision-Maker includes sufficient reference to it.
- 3.3 If the Decision-Maker decides to sell the land other than in accordance with the Disposal Plan, it must record its reasons for doing so.
- 3.4 Nothing in this rule prevents the Chief Executive or their Deputy from exercising any delegated power to sell land, but they must only do so after obtaining a Disposal Plan for it and must have regard to the Disposal Plan in making their decision.

4 DISPOSAL PLAN

- 4.1 “Disposal Plan” means a document that makes recommendations, in relation to specified land, about:
- (a) the method of disposing of it;
 - (b) how to market it; and
 - (c) any other matters the Surveyor considers relevant to the proposed sale
- 4.2 A Disposal Plan must be compiled by the Surveyor.
- 4.3 In compiling the Disposal Plan, the Surveyor must have regard to:
- (a) the need to maximise the financial return to the council from its land assets;
 - (b) the need to give all prospective purchasers a reasonable opportunity to view the land and submit an offer or tender for it; and
 - (c) any special circumstances that apply to the proposed sale.
- 4.4 Special circumstances may include the existence of the following:
- (i) a ‘special’ purchaser’ who would realistically be the only potential purchaser, or who would be prepared to pay a premium for the site over and above the value to the general market. Examples would be a person who wishes to acquire Council land to build an extension to their existing property, or an established Council tenant who wishes to lease contiguous land or buildings which are not reasonably capable of separate occupation; or
 - (ii) a ‘partner’, who would occupy the land for a purpose which would further the Council’s policies or objectives. An example would be the disposal of community facilities to a voluntary trust.
- 4.5 A Disposal Plan must include an open market valuation of the land and a valuation of the land on any other basis on which it is proposed to be sold.

5 AGENTS FOR LAND SALES

- 5.1 The Chief Executive or his Deputy may appoint appropriately qualified external agents to market and carry out negotiations for the sale of land, or may instruct the council’s Principal Estates Surveyor to do so.
- 5.2 The Surveyor will supervise the work of external agents with a view to ensuring compliance with these rules, the Disposal Plan (if applicable) and any specific instructions of the Decision-Maker.

6 SALE BY TENDER

- 6.1 Land may only be sold by tender if the Decision-Maker has expressly decided to do so.

- 6.2 Where land is to be sold by tender, the tendering process is as set out in 6.3 to 6.8.
- 6.3 Under this procedure the Surveyor must give at least 14 but no more than 28 days public notice in one or more local newspapers and on the council’s website.
- 6.4 The notice must set out the nature and purpose of the contract, invite tenders, give instructions on how to submit a tender and state the closing date for tenders (including reference to the fact that tenders will not be accepted after 12.00 noon. on that date).
- 6.5 No tender may be considered unless:
- (i) it has been recorded as having been received no later than 12.00 noon on the closing date for the receipt of tenders; and
 - (ii) it has been received in a sealed envelope marked “Tender for sale of [description of land]” and the envelope had no marking identifying the tenderer.
- 6.6 All tenders must be opened together in the Town Hall or other Council offices.
- 6.7 The following persons must be present when tenders are opened:
- (i) the Leader of the Council, or a councillor nominated by them;
 - (ii) the Principal Estates Surveyor or an officer nominated by them; and
 - (iii) the Chief Executive or his Deputy or, if it is impracticable for either of them to attend, another member of the council’s Management Team.
- 6.8 At the time of opening of the tenders, the Principal Estates Surveyor or his nominee must ensure that a record is made of all the tenders received and their values.

7 SALE BY PRIVATE TREATY

A sale by private treaty will not be concluded until the Decision-Maker has considered a report containing the provisional terms for the sale negotiated by the Surveyor or external agent, details of all other offers received, and an explanation of why they have been recommended to be rejected.

8 SALE BY AUCTION

- 8.1 Land may only be sold by auction if the Decision-Maker has expressly decided to do so.
- 8.2 The Decision-Maker must also decide the terms and conditions under which the land is to be offered for sale, and the level of any reserve price.

9 COMPLETING THE SALE

- 9.1 Once disposal terms are approved by the Decision-Maker, the Surveyor will instruct the Council’s legal services team to deal with the legal formalities. External solicitors may be instructed if, for any reason, the legal services team is unable to deal with the instruction within the required timescale.
- 9.2 No disposal by lease may be completed until:
- (i) a schedule of condition has been prepared and agreement reached with the tenant as to who will be responsible for any necessary works; and
 - (ii) any costs identified as being the responsibility of the council have been included in a relevant budget.

10 SALE DOCUMENTATION

The Surveyor must maintain a file for each sale. All relevant documents should be kept on file and available for audit. This will specifically include:

- (i) Authority to sell the land;
- (ii) Instructions to external agents where appropriate;
- (iii) The Disposal Plan including the valuation;
- (iv) All correspondence, including offers and expressions of interest;
- (v) The terms agreed for the sale;
- (vi) Authorisation to accept those terms;
- (vii) Instructions to solicitors.

For the purposes of this rule, a 'file' may be maintained electronically in any appropriate way.

11 NEGOTIATIONS TO BUY LAND

- 11.1 Where potentially suitable land has been identified by the Chief Executive or their Deputy (following consultation with the Surveyor) as meeting operational requirements, negotiations will be conducted with the vendor/lessor/licensor with a view to reaching a provisional agreement on terms which are the most advantageous reasonably available to the council.
- 11.2 The Chief Executive or their Deputy may appoint appropriately qualified external agents to carry out the negotiations, or may instruct the council's Surveyor to do so.
- 11.3 The Surveyor will supervise the work of external agents with a view to ensuring compliance with these rules.

12 DECISIONS TO BUY LAND

- 12.1 Only the Chief Executive or their Deputy may recommend that the council buy land.
- 12.2 The Chief Executive, or their Deputy, before recommending that the council buy land, must obtain a Valuation Report for the land and ensure that the report to the Decision-Maker includes sufficient reference to it.
- 12.3 If the Decision-Maker decides to buy the land other than in accordance with the recommendations in the Valuation Report, it must record its reasons for doing so.
- 12.4 Nothing in this rule prevents the Chief Executive or their Deputy from exercising any delegated power to buy land, but they must only do so after obtaining a Valuation Report for it and must have regard to the Valuation Report in making their decision.

13 VALUATION REPORT

- 13.1 "Valuation Report" means a document about specified land that has been identified by the Chief Executive or their Deputy (following consultation with the Surveyor) as meeting operational requirements, that includes:
 - (i) An opinion of its value;
 - (ii) A description;
 - (iii) A schedule of accommodation including sizes of land and buildings;
 - (iv) A general comment on condition;

- (v) Comments on the terms under which the property is being offered;
- (vi) Details of all other properties which have been considered, the terms under which they are available, and an explanation of why they have been rejected;
- (vii) A recommendation as to whether:
 - (a) to proceed with the acquisition on the terms offered
 - (b) to seek to negotiate improved terms; or
 - (c) to reject the proposal and, where appropriate, to seek to identify more suitable accommodation.

13.2 A Valuation Report must be compiled by the Surveyor or, if the Surveyor so advises, the whole or any part of it may be compiled by an external, independent Chartered Surveyor experienced in the valuation of the type of property concerned.

14 COMPLETING THE PURCHASE

14.1 Once acquisition terms are approved by the Decision-Maker, the Surveyor will instruct the Council's legal services team to deal with the legal formalities. External solicitors may be instructed if, for any reason, the legal services team is unable to deal with the instruction within the required timescale.

14.2 No lease or agreement for lease may be competed until:

- (i) a schedule of condition has been prepared, and agreement reached with the landlord as to who will be responsible for any necessary works; and
- (ii) any costs identified as being the responsibility of the council have been included in a relevant budget.

14.3 No freehold acquisition may be competed until:

- (i) a schedule of condition has been prepared;
- (ii) any costs identified have been included in a relevant budget; and
- (iii) if the schedule of condition reveals immediate repairs or maintenance costs which are significantly higher than would normally be expected given the nature and age of the building, the acquisition has been further approved by the Decision-Maker in the light of the issues raised by the schedule of condition.

15 PURCHASE DOCUMENTATION

The Surveyor must maintain a file for each purchase. All relevant documents should be kept on file and available for audit. This will specifically include:

- (i) Authority to buy the land;
- (ii) Instructions to external agents where appropriate;
- (iii) The Valuation Report;
- (iv) All correspondence, including other properties considered and any negotiations relating to the properties under consideration.
- (v) The terms agreed for the purchase;
- (vi) Authorisation to accept those terms;

(vii) Instructions to solicitors.

For the purposes of this rule, a 'file' may be maintained electronically in any appropriate way.

PART 4d – FINANCIAL PROCEDURE RULES	
Effective from 2490 May 2023 2015	Approved by Council on x 202330 March 2015

Financial Regulations

1 INTRODUCTION

- 1.1 In accordance with section 151 of the Local Government Act 1972, the Chief Financial Officer is responsible for the proper administration of the Council's financial affairs. In discharging this duty, he will have due regard to the relevant legislation and regulations including the Local Government Finance Act 1988 and those Accounts and Audit Regulations as are in force.
- 1.2 The Financial Regulations provide the framework for managing the Authority's financial affairs. They apply at all times to every officer of the authority and anyone acting on its behalf. They must be read in conjunction with the Contract Procedure Rules, and any other relevant procedures, guidance or other internal controls laid down by the Council, for example, the Council's Anti-Fraud and Corruption Policy.
- 1.3 The Chief Financial Officer is responsible for issuing advice and guidance to underpin these regulations.
- 1.4 The Chief Executive, Deputy Chief Executive and all Heads of Service (who together comprise Management Team)- shall be responsible for ensuring that all staff within their service areas comply with these regulations and guidance at all times. Any responsibility imposed under these regulations on officers within Management Team may be exercised by any other officer authorised by the Council, the Chief Executive or Deputy Chief Executive.
- 1.5 If the Chief Executive, Deputy Chief Executive or any Head of Service becomes aware of any contravention of these Rules, they shall notify the Chief Financial Officer, who shall determine the appropriate action.

2 FINANCIAL MANAGEMENT STANDARDS

- 2.1 The Chief Financial Officer shall determine the Accounting Policies to be used in the preparation of the Council's annual accounts.
- 2.2 All accounting records must be maintained on the Council's corporate financial systems unless authority is obtained from the Chief Financial Officer.
- 2.3 All systems that form the basis of the Council's financial accounts must be approved by the Chief Financial Officer.
- 2.4 The Chief Financial Officer must be consulted of any prospective changes to existing systems or purchases of new systems so that an assessment of compatibility and controls can be carried out in advance.
- 2.5 The Chief Executive, Deputy Chief Executive and all Heads of Service shall be responsible and ensure that all financial records and systems are properly maintained and shall carry out independent checking of financial transactions and also verify relevant final statements.

3 ACCOUNTING RECORDS AND RETURNS

- 3.1 Except in specific circumstances considered on an individual basis by the Chief Financial Officer, the following principles shall be observed at all times:
- (i) the duties of providing information regarding the sums due to or payments made from the Council and of calculating, checking and recording these sums shall be separated (as completely as possible) from the duty of collecting or disbursing them;
 - (ii) any person who has the responsibility of examining and checking cash transactions shall not themselves be involved in any of these transactions.
- 3.2 The Chief Financial Officer must be consulted prior to the submission to appropriate Government Departments (or agencies) or other bodies of applications, claims, returns or statements of a financial nature and shall be provided with a copy of such returns.
- 3.3 The Chief Executive, Deputy Chief Executive and all Heads of Service are required to ensure that all grant claims are submitted to the Chief Financial Officer for checking and authorisation as appropriate prior to the submission deadline and in time to ensure grant monies are received. All grant claims must be accompanied by the appropriate evidence required to make the claim. Any delays must be notified to the Chief Financial Officer immediately.
- 3.4 Financial records, receipts, invoices etc, including documentation relating to contracts for work done, supplies and services shall not be disposed of other than in accordance with any approved retention schedule or guidance which shall incorporate the relevant statutory requirements.
- 3.5 The Chief Financial Officer is responsible for preparing the Council's Statement of Accounts and it must be prepared in accordance with all proper accounting codes and guidance.
- 3.6 The Chief Executive, Deputy Chief Executive and all Heads of Service shall provide all such information as specified by the Chief Financial Officer to enable the timely closure and production of the Council's Final Accounts in compliance with relevant regulations.
- 3.7 The Annual Statement of Accounts must be approved by the Council's Audit and [Standards Governance](#) Committee prior to certification by the external auditor.

4 REVENUE EXPENDITURE

- 4.1 The Chief Financial Officer shall prepare a Medium Term Financial Strategy for approval by Council.
- 4.2 The Chief Executive, Deputy Chief Executive and all Heads of Service shall provide annually when requested, all the necessary information for the preparation of an annual revenue budget to the Chief Financial Officer in a timely manner.
- 4.3 Revenue expenditure is defined as operational expenditure incurred in the day-to-day running costs of the council that will generally be spent in the next twelve months; e.g., employees costs, gas, water, electricity, purchase of materials, printing, stationery.
- 4.4 The Chief Executive, Deputy Chief Executive and all Heads of Service may incur revenue expenditure to the limit of their approved budget allocation, subject to the regulations and the Council's Financial Procedure Rules and Scheme of Delegation without further approval, except:
- (i) any revenue expenditure which involves a variation from the Council's approved Policy Framework, which must be approved by Council.

- (ii) any expenditure which leaves the Council with future commitments for which funding has not been identified. This would require approval by the ~~Finance and Democracy~~Executive Committee.

4.5 In exceptional circumstances, the Council's Urgent Business Procedure may be used compliant with regulation 25.

REVENUE VIREMENTS

4.6 Virements between revenue budget heads shall be authorised as follows:

- (i) up to £25,000 by ~~t~~The Chief Executive, Deputy Chief Executive or the relevant Head of Service;
- (ii) up to £50,000 by the Chief Financial Officer;
- (iii) up to £250,000 by the ~~Executive Finance and Democracy~~ Committee ~~following consideration by the relevant programme committee~~; and
- (iv) over £250,000 by Council.

Requests for approval should be supported by adequate background information; e.g., impact on future years.

REVENUE BUDGET INCREASES - FUNDED

4.7 Revenue budget increases supported by new or increased external funding, or from earmarked reserves, shall be authorised as follows:

- (i) up to £50,000 by the Chief Financial Officer following consultation with the chair~~man~~ of the ~~Finance and Democracy~~Executive Committee.;
- (ii) up to £250,000 by the ~~Executive Finance and Democracy~~ Committee ~~following consideration by the relevant programme committee~~; and
- (iii) over £250,000 by Council.

Budget increases supported by funding from earmarked reserves must be solely for the purposes for which the earmarked reserve was intended.

4.8 Requests for approval should be supported by adequate background information; e.g., impact on future years.

REVENUE BUDGET INCREASES – UN-FUNDED

4.9 Unfunded revenue budget increases must be approved by Council, except in the following circumstances:

- (i) The ~~Executive Finance and Democracy~~ Committee may approve an unfunded revenue budget increase for one-off unforeseen expenditure not envisaged at the time the Council's budget was agreed providing there are no ongoing financial implications for future years.
- (ii) The maximum amount of the unfunded revenue budget increase to be approved by the ~~Executive Finance and Democracy~~ Committee in any year is £100,000.

FEES AND CHARGES

4.10 Fees and charges will be considered as follows:

- (i) ~~The Executive Committee~~Each programme committee will recommend to annual budget Council a schedule of fees— and charges for services and other activities provided by the council within the remit of that committee for approval.
- (ii) Outside the annual budget setting process, any amendment or introduction of new fees and charges for services and other activities provided by the council within the remit of the Executive Committee~~programme committees, together with the Planning Committee insofar as it relates to programme committee functions;~~ which are expected to vary income by up to £25,000 in any one financial year can be approved by the Executive Committee~~the relevant programme committee~~, whilst those with an impact of over £25,000 in any one financial year require Council approval.

5 REVENUE ACCOUNTING AND MONITORING

- 5.1 The Chief Executive, Deputy Chief Executive and all Heads of Service are responsible for ensuring that all revenue expenditure and income is recorded correctly and promptly on the Council's financial information system and accounted for in the year in which the goods and services have been received or provided.
- 5.2 The Chief Executive, Deputy Chief Executive and all Heads of Service must reconcile any local manual or computerised systems they hold to the Council's corporate financial information on a monthly basis and in any event in accordance with any guidance issued by the Chief Financial Officer.
- 5.3 The Chief Executive, Deputy Chief Executive and all Heads of Service are responsible for monitoring all revenue expenditure and income during the financial year against approved budgets and for taking action to avoid overspending against those budgets.
- 5.4 The Chief Executive, Deputy Chief Executive and all Heads of Service shall comply in a timely way with any requests for budget monitoring updates made by the Chief Financial Officer.

6 CAPITAL PROGRAMME

- 6.1 The five year Capital Programme comprising individual schemes is part of the Council's Budget and Policy Framework and shall be approved annually and at appropriate intervals as necessary in the year.
- 6.2 This sub-paragraph sets out the definition of capital expenditure.
 - (i) Subject to a de-minimus level of £10,000, all expenditure on the acquisition, creation or enhancement of tangible fixed assets should be capitalised on an accruals basis. Expenditure on the acquisition of a tangible asset, or expenditure which adds to, and not merely maintains, the value of an existing asset, should be capitalised and be classified as a tangible fixed asset, provided that it yields benefits to the authority and the services it provides are for a period of more than one year.
 - (ii) Expenditure that should be capitalised will include expenditure on the:
 - (a) acquisition, reclamation, enhancement or laying out of land
 - (b) acquisition, construction, preparation, enhancement or replacement of roads, buildings and other structures
 - (c) acquisition, installation or replacement of movable or immovable plant, machinery, apparatus, vehicles and vessels.

- (iii) In this context, enhancement means the carrying out of works which are intended to:
 - (a) lengthen substantially the useful life of the asset, or
 - (b) increase substantially the market value of the asset, or
 - (c) increase substantially the extent to which the asset can or will be used for the purposes of or in conjunction with the functions of the Council.
- (iv) Under this definition, improvement works and structural repairs should be capitalised, whereas expenditure to ensure that the fixed asset maintains its previously assessed standard of performance should be recognised in the revenue account as it is incurred. Expenditure on existing fixed assets should be capitalised in three circumstances:
 - (a) enhancement – see above
 - (b) where a component of the fixed asset that has been treated separately for depreciation purposes and depreciated over its individual useful life, is replaced or restored
 - (c) where the subsequent expenditure relates to a major inspection or overhaul of a fixed asset that restores the benefits of the asset that have been consumed by the authority and have already been reflected in depreciation.

- 6.3 The Capital Programme will generally contain expenditure on the acquisition of fixed assets or expenditure which adds to, rather than maintains, the value of fixed assets. In cases of doubt the Chief Financial Officer will determine whether a scheme will be treated as capital or revenue expenditure.
- 6.4 The Chief Executive, Deputy Chief Executive and all Heads of Service shall provide periodically when requested in a timely manner to the Chief Financial Officer all the necessary information for the preparation of an annual programme of capital expenditure, including progress on existing schemes and new schemes.
- 6.5 The Chief Executive, Deputy Chief Executive and all Heads of Service may incur capital expenditure on schemes within the approved Capital Programme subject to compliance with these regulations and the Council’s Contract Procedure Rules and Scheme of Delegation.
- 6.6 No expenditure may be incurred on any scheme in the Capital Programme until a detailed report has been approved by [Executive Committee](#)~~the relevant programme committee~~ (save as to exemptions 6.7 and 6.8 below), including as a minimum:
- (i) a cost breakdown of the scheme;
 - (ii) the method and cost of financing the scheme;
 - (iii) the future revenue budget impact;
 - (iv) relevant value for money issues;
 - (v) a risk assessment;
 - (vi) viable alternatives;
 - (vii) details of procurement path and delegations required (if any);
 - (viii) detailed objectives, outputs and outcomes, and
 - (ix) relevant drawings and plans,
- except the cost of preliminary work to produce the above report.

- 6.7 Expenditure may be incurred on any scheme within the approved Capital Programme that is under £100,000 total scheme value without the prior need for authorisation from the [Executive Committee-relevant programme committee](#) in order to expedite the delivery of relatively modest schemes. In respect of these schemes a report must be presented to the [Executive Committee-relevant programme committee](#) setting out full details of the scheme and how the money has been spent, upon conclusion of the scheme at the earliest opportunity.
- 6.8 A detailed report is not necessary as set out at regulation 6.6 above in the case of replacement equipment and vehicles on a like-for-like basis, housing renovation grants and disabled facilities grants. In this instance, full scheme approval and authority to contract is initiated in accordance with the Contract Procedure Rules and Chief Financial Officer delegations.

7 CAPITAL MONITORING AND REPORTING REQUIREMENTS

- 7.1 The Chief Executive, Deputy Chief Executive and Heads of Service are required to ensure that throughout the implementation period of a capital scheme, the specification remains consistent with the original overall objectives of the scheme and that expenditure continues to deliver best value for money for the Council.
- 7.2 The Chief Executive, Deputy Chief Executive and Heads of Service must monitor and report capital expenditure and income for all schemes within the approved capital programme and identify any variations against the approved level of expenditure. Monitoring and reporting will be undertaken at intervals specified by the Chief Financial Officer.
- 7.3 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that any funding identified for capital schemes has been secured as appropriate for each scheme. Reimbursements from third parties should be claimed promptly as expenditure is incurred and wherever possible in advance of expenditure being incurred so that cash flow costs are minimised.
- 7.4 The Chief Executive, Deputy Chief Executive and Heads of Service are required to use the Council's financial information systems to maintain records of actual and committed expenditure, income for each capital scheme and records of the approved budget allocations.
- 7.5 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that all information on the Council's financial system is accurate and up to date and is fully reconciled to any supporting records.

8 CAPITAL PROGRAMME – RE-PHASING

If it becomes necessary to re-phase approved expenditure within a current or future year's Capital Programme, then the Chief Financial Officer may undertake such re-phasing and report it to the ~~relevant programme~~ [Executive Committee](#) and incorporate such changes within the next update of the Council's Medium Term Financial Strategy.

9 CAPITAL PROGRAMME - SCHEME OVERSPENDS

- 9.1 The Chief Financial Officer will monitor any predicted under or overspends on capital schemes during each financial year and include their impact in any monitoring reports on the basis of information derived from ~~t~~ The Chief Executive, Deputy Chief Executive and Heads of Service.
- 9.2 The [Executive Committee](#) ~~Finance and Democracy Committee~~ will monitor the progress of the five year Capital Programme within the overall limit set by Council, and ~~programme committees~~ will receive periodic capital programme monitoring reports.

CAPITAL VIREMENTS AND BUDGET INCREASES

9.3 The Chief Financial Officer may approve increased costs on an individual scheme within the approved Capital Programme to a maximum of £50,000 provided that it is funded by a virement of resources from another scheme in the five year Capital Programme (provided it is compliant with regulation 7.1) or by new or increased external funding, or from earmarked reserves.

9.4 The ~~Executive Committee~~[Finance and Democracy Committee, following consideration by the relevant programme committee](#), may approve increased costs on an individual scheme within the approved Capital Programme to a maximum of £250,000 provided that it is funded by a virement of resources from another scheme within the five year Capital Programme (provided it is compliant with regulation 7.1) or by new or increased external funding, or from earmarked reserves.

In all other cases, including where the request is inconsistent with 7.1, ~~t~~The Chief Executive, Deputy Chief Executive and Heads of Service must seek Council approval to any unfunded capital scheme budget increase.

9.5 If it is unclear during the progress of a scheme as to its final outturn cost or the impact on the five year Capital Programme, the Chief Financial Officer will advise ~~t~~The Chief Executive, Deputy Chief Executive or Head of Service as to the need and timing for a budget increase. In exercising this judgement, the Chief Financial Officer is authorised to consider the probability, size, and nature of the potential overspend and its impact on the capital programme.

10 NEW CAPITAL SCHEMES

10.1 The process for the addition of new capital schemes to the Council's Capital Programme shall ordinarily be as part of the Council's annual budget setting process.

10.2 The ~~Executive Committee~~[Finance and Democracy Committee, following consideration by the relevant programme committee](#), may approve in-year additions to the Capital Programme up to £250,000 on a new scheme, provided it is funded by a virement of resources from another scheme in the five year Capital Programme (subject to rule 7.1 in respect of the scheme bearing the virement) or new or increased external funding, or from earmarked reserves.

10.3 All new schemes in excess of £250,000 or those without a virement or external funding require Council approval for addition to the existing programme.

11 BUDGETARY CONTROLS

11.1 The Chief Executive, Deputy Chief Executive and Heads of Service are required to comply with any budget control guidance issued by the Chief Financial Officer.

11.2 The Chief Executive, Deputy Chief Executive and Heads of Service are required to review all budgets within their remit at least quarterly and are responsible for ensuring that their budget is monitored on a regular basis and that appropriate action is taken when a projected variation is likely to occur. The Chief Executive, Deputy Chief Executive and Heads of Service are also responsible for ensuring that virement requests are submitted in a timely manner and that appropriate action is taken at the earliest opportunity to contain a variation where no immediate virement source can be identified.

11.3 The Chief Executive, Deputy Chief Executive and Heads of Service will report to the Chief Financial Officer performance against the overall budget position and ensure that meaningful narrative explanations to all favourable and adverse budget variations are provided in order that periodic budget monitoring reports can be provided to ~~programme committee~~[the Executive Committee](#).

12 GRANTS TO EXTERNAL ORGANISATIONS

- 12.1 It is the responsibility of the Chief Executive, Deputy Chief Executive and Heads of Service to ensure that organisations in receipt of grant aid (either from the Council's own funds or through external funding) have (as a minimum):-
- (i) satisfactorily demonstrated that they are a competent and suitable organisation to receive public money; and
 - (ii) ensure appropriate management and accountability procedures are in place to achieve their aims and objectives; and
 - (iii) ensure that financial propriety is observed.
- 12.2 Where a grant is approved, there must be written confirmation of the grant offer and where appropriate a formal grant agreement before any payment is made.
- 12.3 Any grant offers (as a minimum) must require the recipient to keep appropriate records and ensure these are available for Council inspection and further the clause must require the organisation to demonstrate that the grant has been used for the agreed purpose.
- 12.4 In grants over £10,000, other additional clauses must be included (as a minimum) in the offer letter/agreement namely:-
- (iv) details of the amount of grant approved; and
 - (v) the purpose and duration of the grant; and
 - (vi) the arrangements for payment; and
 - (vii) the monitoring and evaluation arrangements; and
 - (viii) the circumstances when grant funding may be terminated.
- 12.5 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that any grants given must have their terms and conditions monitored and checked for compliance. For grants over £10,000, this may also require the organisation to submit audited accounts. Further, for grants over £10,000, the Chief Executive, Deputy Chief Executive and Heads of Service must ensure that the organisation provides financial and statistical information on a quarterly basis and that review meetings with the Chief Executive, Deputy Chief Executive or Head of Service's representative and organisation happen at least twice a year.

13 EXTERNAL FUNDING

- 13.1 In addition to the requirements set out at regulation 3.2 and 3.3, the Chief Executive, Deputy Chief Executive and Heads of Service are required to ensure that the Chief Financial Officer is informed of all funding bids and subsequent grant offers.
- 13.2 The Chief Executive, Deputy Chief Executive and Heads of Service are required to ensure that the acceptance of grant offers (i.e., terms and conditions) are always signed by the Chief Financial Officer where there is a requirement that the Council has to act as the Accountable Body.
- 13.3 The Chief Executive, Deputy Chief Executive and Heads of Service are required to ensure that, for any project where external grant funding has been accepted, the project(s) progresses in accordance with the bid, and that there is compliance with the Council's Contract Procedure Rules and these rules and other controls and the appropriate grant conditions.

14 INTERNAL AUDIT

- 15.1 The Chief Financial Officer is responsible for maintaining an adequate and effective internal audit function (in accordance with current regulations), the internal audit of all accounts and financial transactions of the Council and its employees and shall satisfy himself as to security arrangements for the custody and safeguard of Council assets.
- 14.2 Internal Audit is responsible for conducting its work in accordance with current professional standards.
- 14.3 Internal Audit shall have access to premises at reasonable times and all manual and electronic systems. Internal Audit shall be entitled to require the production of all cash, stores and accounts and any supporting documents and to obtain information and explanations from any employee of the Council with regard to any matter under examination.
- 14.4 The Chief Executive, Deputy Chief Executive and Heads of Service are required to report any discovered or suspected cases of fraud, corruption or other financial irregularity immediately to the Head of Internal Audit.
- 14.5 Where irregularities ascertained or suspected upon investigation are found, if it involves fraud or corruption, then the matter will be dealt with in accordance with the Council's Anti-Fraud and Corruption Policy.

15 INCOME

- 15.1 The Chief Executive, Deputy Chief Executive and Heads of Service are responsible for ensuring that accounts for charges for work done, goods supplied or services rendered on behalf of the Council and all income due to the Council are issued to the debtor(s) concerned promptly.
- 15.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall follow guidance issued by the Chief Financial Officer as regards the receipting of all monies.
- 15.3 All cheques, postal orders, money orders and banker's drafts shall be crossed in a manner approved by Chief Financial Officer.
- 15.4 All official receipts must be issued in the form approved by the Chief Financial Officer. All monies received by the Council shall be acknowledged by a receipt in an authorised form.
- 15.5 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that all income received is paid in fully and promptly into the Council's bank account in the form in which it is received on a daily basis, but where not possible, within five working days of receipt.
- 15.6 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that the appropriate debt recovery procedures are put in place in respect of any outstanding income due to the Council.
- 15.7 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that receipts, tickets and other records of income are held securely and for the appropriate retention period.
- 15.8 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that any money paid into the Council's bank account is reconciled with paying-in slips to provide an audit trail on a regular basis, at a minimum quarterly.
- 15.9 Income must not be used to cash personal cheques or other payments.

- 15.10 The Chief Executive, Deputy Chief Executive and Heads of Service must notify the Chief Financial Officer, or when requested, of any outstanding income relating to the previous financial year as soon as possible after 31 March or in line with any timetable approved by the Chief Financial Officer.
- 15.11 Once raised, no debt (with the exception of Council Tax, Housing Benefit Overpayment and Business Rate debts) can be cancelled except by full payment or writing off. Any request for writing off a debt must be made to the Chief Financial Officer with supporting evidence for debts up to £25,000. Over £25,000 all requests for write-offs must go to ~~Finance and Democracy~~the Executive Committee for approval.
- 15.12 Any transfer of money between officers or payments into the bank must be undertaken using agreed procedures without variation.
- 15.13 In order to comply with money laundering regulations, the Council will not normally accept cash payments exceeding €15,000 (approx £12,000). Any requests for cash payments to this level or above must be referred to the Chief Financial Officer.

16 CONTRACTS

- 16.1 These rules set out internal financial procedures to supplement the Contract Procedure Rules.
- 16.2 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that financial appraisals of firms or persons are carried out in relation to all contracts in excess of £50,000.
- 16.3 Rule 16.2 applies to all Contracts (except land and employment contract and any others deemed not applicable by the Chief Financial Officer) including contracts for buildings, developers, insurance companies, franchise agreements and leasing companies.
- 16.4 All financial appraisals shall be carried out in accordance with procedures determined by the Chief Financial Officer.
- 16.5 The Chief Executive, Deputy Chief Executive and Heads of Service shall consult with the Chief Financial Officer as to the type and level of security (if required) from a preferred supplier for all contracts over £50,000.
- 16.6 Payments to contractors on account, shall be authorised only on a certificate signed by the Chief Executive, Deputy Chief Executive or Head of Service (or authorised officer) showing the total amount of the contract, the value of approved variations, the value of work executed to date, apportioned between original costs and fluctuation costs, retention money paid, retention money released, amount paid to date and the amount now certified.
- 16.7 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that payments (including stage payments) are made only against contractors' certificates and only where the ~~se~~officers are director is satisfied that payment has become due. The Council must issue an authenticated receipt to the contractor within a period of three months. All variations must be agreed in advance by the Monitoring Officer.

17 ORDERING AND PAYING FOR WORKS, GOODS AND SERVICES

- 17.1 The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that the purchase of equipment, goods, materials and engagement of services shall be effected through the most economical and practical means. The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that expenditure is incurred in accordance with the Council's Contract Procedure Rules and the principles of any Corporate Procurement Strategy.

- 17.2 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that if a corporate contract or framework agreement exists for the provision of particular goods or services, then this must be used for all purchases. Any exemptions to this requirement must be approved by the Chief Financial Officer in advance.
- 17.3 Each officer authorising a requisition, who shall be properly authorised to do so in agreement with the Chief Financial Officer, shall be responsible for ensuring that it is properly completed and is within approved budget provisions. The authorising officer must ensure that there is adequate evidence supporting a requisition before it is approved.
- 17.4 Verbal orders shall only be given in emergencies and must be confirmed by an authorised official order on the same or next working day.
- 17.5 Whenever delivery is made to an employee of the Council, an appropriate record should be made to which the goods or material should be checked as soon as possible.
- 17.6 All invoices for goods and services shall be processed in accordance with agreed procedures.
- 17.7 The Chief Executive, Deputy Chief Executive and Heads of Service are responsible for ensuring that all invoices, claims and accounts are checked and copies of the corresponding orders or electronic records are appropriately annotated to show that the accounts have been passed for payment.
- 17.8 All accounts shall be paid in accordance with procedures agreed with the Chief Financial Officer.
- 17.9 Payment must not be made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- (i) receipt of works/goods/services;
 - (ii) that the invoice has not been previously paid;
 - (iii) that expenditure has been properly incurred;
 - (iv) that the prices and arithmetic are correct;
 - (v) correct accounting treatment of tax;
 - (vi) that the invoice is correctly coded;
 - (vii) discounts have been taken where appropriate; and
 - (viii) appropriate entries made on accounting records.
- 17.10 Any special arrangements for payment of a creditor must be approved by the Chief Financial Officer.
- 17.11 In the event that goods, materials or services are not supplied in accordance with orders placed, the Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that subsequent to the payment, a credit should be obtained from the supplier. Where the business with the supplier is non-routine and infrequent, a refund should be obtained.
- 17.12 The Chief Financial Officer shall specify the method of dealing with regular periodical payments. Information concerning any change in or cessation of such liabilities shall be notified to the Chief Financial Officer by the Chief Executive, Deputy Chief Executive or the Head of Service concerned.

18 ORDERS PLACED USING THE ELECTRONIC PURCHASE ORDER SYSTEM OF THE COUNCIL

- 18.1 The Chief Executive, Deputy Chief Executive and Heads of Service are responsible for ensuring they comply with the security protocols as set by the Chief Financial Officer with regard to the use of the Council's electronic communication and electronic financial systems.

- 18.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for maintaining all relevant supporting documentation for electronic orders within their service area.
- 18.3 All non-catalogue orders must be approved by an authorising officer of the spending service area (who shall be properly authorised to do so in agreement with the Chief Executive, Deputy Chief Executive or relevant Head of Service). The authorising officer shall be responsible for ensuring that the order is properly completed. All financial appraisals shall be carried out in accordance with procedures determined by the Chief Financial Officer. The authorising officer shall be responsible for ensuring that the order is properly completed.
- 18.4 An officer receiving goods or services on behalf of the Council must be other than the officer authorising the originating order. The officer must confirm the satisfactory (or unsatisfactory) receipt of goods or services in the electronic procurement system to verify that they are in accordance with the authorised order in the manner agreed by the Chief Financial Officer. The receiving officer must ensure that they have adequate evidence and the technical competence to execute this action. This applies equally to when an officer is entering in the electronic procurement system the receipt of goods or services on behalf of another officer. The acceptance of the satisfactory receipt of goods confirms that:
- (i) an account when presented will be properly payable by the Council; and
 - (ii) proper entries have been made in inventories, stores and other property records or registers.
- 18.5 The officer entering the receipt of goods or services in the electronic procurement system should record the date the goods or services were received, delivery note details and appropriate comments regarding the receipt of goods or services.

19 WHERE IT HAS NOT BEEN POSSIBLE TO UTILISE THE ELECTRONIC PURCHASE ORDER SYSTEM OF THE COUNCIL

- 19.1 All orders for goods or services shall be issued on official order forms in a manner and form agreed by the Chief Financial Officer. The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for the issuing and safe custody of order books.
- 19.2 A technically competent officer other than the original officer who signed the order, shall initial the certification grid on each account as evidence that work has been done, services provided or goods received and checked against a delivery note.
- 19.3 A further appropriate officer shall initial the certification grid on each account as evidence that:-
- (i) each account has been checked against an official order and has not been previously passed to the Chief Financial Officer and that the order has been properly complied with;
 - (ii) prices are correct and in accordance with contracts or quotations and that relevant discounts have been deducted;
 - (iii) arithmetic calculations are correct.
- 19.4 Manual orders may be placed by email, so long as regulations 19.1 - 19.3 have been complied with.
- 19.5 Payment in advance for works, goods or services should only be used in exceptional circumstances e.g. training, publications, travel arrangements.

20 SALARIES AND ALLOWANCES

- 20.1 The Chief Financial Officer shall approve the method of payroll, preparation, payment, documents and records to be kept (including retention) and the certificates to be given for wages.
- 20.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for the completion and certification of timesheets, incentive/bonus schemes, and overtime claims by employees within their service area.

21 INSURANCE

- 21.1 The Chief Financial Officer shall be responsible for ensuring that all insurable risks of the Council are adequately covered and for maintain the necessary records for making claims and payments on behalf of the Council.
- 21.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall notify the council's nominated insurance officer promptly of all risks, liabilities, properties or vehicles which are required to be insured and of any alterations affecting risk of insurances indicating the amount of cover required.
- 21.3 The Chief Executive, Deputy Chief Executive and Heads of Service shall immediately notify the council's nominated insurance officer of any fire, loss, accident or other event that may give rise to a claim against the Council's insurers.

22 TAXATION

- 22.1 In line with the [Immigration, Asylum and Immigration-Nationality Act 2001996](#), it is the responsibility of all directors to ensure that all new employees provide a National Insurance Number.
- 22.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that all new persons employed by the Council are added to the Council's payroll where tax shall be deducted from any payment as appropriate (except bone fide self-employed or staff who are employed via an agency).
- 22.3 The Chief Executive, Deputy Chief Executive and Heads of Service must adhere to guidelines issued for the application of VAT, timing and coding.

23 TREASURY MANAGEMENT AND BANKING

- 23.1 The CIPFA Code of Practice on Treasury Management in the Public Services requires the Council to review, approve and adopt a Treasury Management Strategy.
- 23.2 The Council must also review, approve and adopt Prudential Indicators in line with the CIPFA Prudential Code for Capital Finance in Local Authorities (the Code). This sets out a framework for self-regulation of capital spending.
- 23.3 The Chief Financial Officer is required to report to the Audit [and Standards and Governance](#) Committee and Council in accordance with all statutory requirements on treasury management activities.
- 23.4 No bank accounts shall be opened or closed in connection with any Council business without the prior approval of the Chief Financial Officer. Arrangements for the ordering and issuing of cheques shall be by the Chief Financial Officer. All cheques drawn shall be signed by Chief Financial Officer or officer nominated for the purpose.

- 23.5 The Chief Executive, Deputy Chief Executive and Heads of Service shall follow any instructions on banking arrangements as issued by the Chief Financial Officer.
- 23.6 The Council will create and maintain, as the cornerstones for effective treasury management:
- (i) a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities; and
 - (ii) suitable treasury management practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 23.7 The Council will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year and an annual report after the close of the financial year.

24 TRUST FUNDS HELD FOR THIRD PARTIES

- 24.1 The Chief Executive, Deputy Chief Executive and Heads of Service must arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities etc. relating to the trust to the Chief Financial Officer, unless the deed provides otherwise.
- 24.2 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that trust funds are held on behalf of third parties, for their secure administration, approved by the Chief Financial Officer and to maintain written records of all transactions.
- 24.3 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that trust funds are operated within any relevant system and the specific requirements for each trust.

25 CASH DISBURSEMENTS

- 25.1 The Chief Financial Officer may authorise the Chief Executive, Deputy Chief Executive and Heads of Service to hold individual cash or bank imprest accounts to meet minor expenditure incurred by the Council. The Chief Financial Officer shall authorise the level of such accounts and expenditure should not exceed the set amount approved.
- 25.2 Subsistence claims should only be paid out of petty cash in exceptional circumstances.
- 25.3 Car allowances shall be paid out of the car allowance system.
- 25.4 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure that where cash or bank imprest accounts are operating, all employees:
- (i) obtain and retain vouchers to support each payment from the imprest account;
 - (ii) where appropriate, obtain an official VAT invoice;
 - (iii) make adequate safety for safe custody of the account;
 - (iv) produce on demand to the Chief Financial Officer the cash and vouchers to the value of the account;
 - (v) record transactions promptly;
 - (vi) reconcile and balance the accounts at least monthly; reconciliation sheets to be signed and retained by imprest holder;
 - (vii) provide Chief Financial Officer with a certificate of value as at 31 March;

- (viii) ensure that the account is never used to cash personal cheques or make personal loans and that the only payments into the accounts are the reimbursement of the float and charges related to purchases where an advance had been made.

26 STOCKS AND STORES AND NON-LAND ASSETS

- 26.1 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for the care, custody and control of stocks and stores held in their service and must maintain inventories as requested by the Chief Financial Officer. Stores and inventory records shall be kept in a format approved by the Chief Financial Officer.
- 26.2 The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that a system of continuous and controlled stock taking is in operation.
- 26.3 The Chief Executive, Deputy Chief Executive and Heads of Service shall arrange for all stocks and inventories to be checked physically at least annually and shall provide certification that the records are correct as required by the Chief Financial Officer.
- 26.4 Any disposal or surplus stores shall be in accordance with procedures laid down by the Chief Financial Officer.
- 26.5 All non-land assets other than stocks and stores must have a disposal policy.

27 CUSTODY AND SECURITY OF ASSETS

- 27.1 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for ensuring that secure arrangements are made for the safe custody of land, buildings, cash and other property under their control.
- 27.2 All inventories shall be prepared and kept up to date by the Chief Executive, Deputy Chief Executive and Heads of Service for every Council establishment in accordance with guidelines issued by the Chief Financial Officer.
- 27.3 The Chief Executive, Deputy Chief Executive and Heads of Service shall arrange that authorised members of staff shall be responsible for keys of all safes or similar receptacles and secure locations and shall keep a record of the names of such employees. Duplicate keys may be kept by the Chief Executive, Deputy Chief Executive or Head of Service. If it is necessary to transfer keys; e.g., due to shift changes, then all transfers must be recorded and records maintained.
- 27.4 The Monitoring Officer shall be responsible for the custody of all legal deeds, agreements and contract documents. The Chief Executive, Deputy Chief Executive and Heads of Service are required to ensure that all such documents are lodged with her approval.
- 27.5 The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that records are maintained in respect of vehicles or plant under their control. Such records shall be kept in a manner agreed with the Chief Financial Officer and shall include details of usage, location visits, mileage, fuel, repairs and cost of repairs.
- 27.6 The Chief Executive, Deputy Chief Executive and Heads of Service shall ensure that secure arrangements are made for the physical security of the property in which ICT equipment is placed.
- 27.7 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for the management of data input into systems, the quality of the data input and meet the requirements of the Data Protection Act [1998-2018](#) and the Freedom of Information Act 2000 and other appropriate legislation.

- 27.8 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure compliance with arrangements made to secure and safeguard computer software, hardware and data as issued by the Deputy Chief Executive.

28 RISK MANAGEMENT

The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for the effective management of risk within their [service departments](#) and ensure compliance with the Council's Corporate Risk Strategy and any guidance issued by the Deputy Chief Executive.

29 INTERNAL CONTROL

- 29.1 The Chief Executive, Deputy Chief Executive and Heads of Service shall be responsible for establishing an appropriate internal control framework within their service areas. These arrangements need to ensure compliance with all applicable statutes and regulations, Council rules and procedures and any guidance issued by the Chief Financial Officer.
- 29.2 The Chief Executive, Deputy Chief Executive and Heads of Service should ensure established internal controls are adhered to in order to have confidence in the proper use of resources, achievement of objectives and management of risks within their service areas.
- 29.3 The Chief Executive, Deputy Chief Executive and Heads of Service must ensure all staff in their service areas have a clear understanding of the internal controls applicable to their role and the consequences of any failure to adhere to them.

PART 4e – ACCESS TO INFORMATION PROCEDURE RULES	
Effective from 20 May 2015	Approved by Council on 30 March 2015

1 SCOPE

- 1.1 Unless specifically stated these rules apply to all meetings of the Council, and to its Committees and Sub-Committees.
- 1.2 For the avoidance of doubt, when a Procedure Rule states that a request should be made in writing then this includes a request submitted by electronic means.

2 ADDITIONAL RIGHTS TO INFORMATION

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

3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions set out in these Rules. Any person attending the meeting for the purpose of reporting the proceedings will be afforded reasonable facilities for taking their report.

4 NOTICES OF MEETINGS

The Council will give at least five clear days notice of every meeting by posting details of the meeting at the Town Hall, Lytham St Annes (“the designated office”), and on the Council’s website.

5 ACCESS TO AGENDA AND REPORTS BEFORE MEETINGS

The council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council’s website at least five clear days before the meeting. If an item is added to the agenda later than five clear days before the meetings, revised or additional agenda and the reports will be open for inspection when they are sent to Councillors.

6 SUPPLY OF COPIES

On payment of a charge for postage and any other reasonable costs, the Council will supply to any person copies of any agenda and reports that are open to public inspection. The council will also try to make the agenda and reports for each meeting available on its website as soon as they have been finalised.

7 ACCESS TO MINUTES ETC AFTER MEETINGS

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

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which discloses exempt or confidential information (as defined in Rule 10);
- (b) a summary of any proceedings not open to the public, if 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 considered when the meeting was open to the public.

8 BACKGROUND PAPERS

8.1 List of background papers

Each report that is available for public inspection will contain a list of background papers. These are documents or web sites relating to the subject matter of the report that:

- (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.

The list excludes any public documents and any documents that disclose exempt or confidential information (as defined in Rule 10)

8.2 Inspection and publication of background papers

The Council will make available for public inspection for four years after the date of a meeting one copy of each of the documents in the lists of background papers. Copies of background papers will also be available via the council’s website where possible.

9 SUMMARY OF PUBLIC’S RIGHTS

For the purpose of providing a written summary of the right of the public to attend meetings and to inspect and copy documents, a copy of these Rules will be available to the public through the council’s website.

10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

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

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed because of a Court Order.

10.4 Meaning of exempt information

Exempt information means information falling within one or more of the following seven categories (subject to any condition):

	Category
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1	Information relating to any individual.
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
	Conditions
8	Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under: (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
9	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].
10	Information which: (a) falls within any of paragraphs 1 to 7 above; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Fylde Council Code of Conduct for Members	
Effective from 25 April 2022	Approved by Council on 25 April 2022

Preamble

General

- A. This is the code of conduct adopted by Fylde Borough Council under section 27(2) of the Localism Act 2011. It consists of this preamble, general principles, code obligations and explanatory information.
- B. In this document:
 “the code” means this code of conduct
 “councillor” means anybody who the code applies to, including both councillors and co-opted members.
- C. The **general principles** set out what the code is intended to achieve and provide the context for the code obligations. The **code obligations** set out what councillors must or must not do when the code applies to them. The **explanatory information** gives guidance and examples about how the code obligations should be understood and applied.

Scope

- D. The code applies to elected councillors from when they sign their declaration of acceptance of the office of councillor and co-opted members from when they attend their first meeting and continues to apply until they cease to be in office.
- E. The code obligations apply when councillors are acting in their capacity as a councillor which includes when they:
- misuse their position as a councillor
 - give the impression that they are acting as a councillor or
 - act as a representative of the council on another body.
- F. The code applies to all forms of communication and interaction, including:
- face-to-face meetings
 - online or telephone meetings
 - written communication
 - verbal communication
 - non-verbal communication and
 - electronic and social media communication, posts, statements and comments.

Sanctions

Failure to comply with the provisions of this Code may result in a sanction being imposed:

- by the council (if it relates to the Code itself or a personal/prejudicial interest); or
- through criminal proceedings (if it relates to a Disclosable Pecuniary Interest which may result in a criminal conviction and a fine up to £5,000 and/ or disqualification from office for a period of up to five years).

General principles

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 (see Appendix 1).

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:

- *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.*

You are also expected to uphold high standards of conduct and lead by example 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.

Town and Parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer. As the respective Town and Parish Councils have responsibility for adopting their own Codes, the provisions of these Codes may differ.

Code obligations and explanatory information

1. Respect

Code obligation:

1.1 You must treat all others with respect

Explanatory information:

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 any relevant authority. This also applies to fellow councillors, where action could then be taken under the code, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol. The principle behind this section is that you should treat others how you would want to be treated yourself.

2. Bullying, harassment and discrimination

Code obligations:

2.1 You must not bully any person

2.2 You must not harass any person

2.3 You must promote equalities and not discriminate unlawfully against any person

2.4 You must not do anything which would breach or cause your local authority to breach the provisions of Equality Act 2010.

Explanatory information:

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. Impartiality of officers of the council

Code obligation:

- 3.1 You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Explanatory information:

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 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.

4. Confidentiality and access to information

Code obligation:

- 4.1 You must not disclose confidential information except where:**

- **You have the consent of the person authorised to give it**
- **You are required by the law to do so**
- **You disclose the information to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person**
- **You make the disclosure in good faith, and in compliance with the reasonable requirements of the authority, in the public interest**

- 4.2 You must not do anything which would breach or cause you or your local authority to breach the provisions of the Data Protection Act 2018.**

Explanatory information:

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, for example if it relates to individuals or ongoing negotiations.

5. Disrepute

Code obligation:

5.1 You must not bring your role or local authority into disrepute.

Explanatory information:

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 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 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 the code.

6. Use of position

Code obligation:

6.1 You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

6.2 You must have regard to the obligations of your local authority under the [Code of Recommended Practice on Local Authority Publicity](#) made under the Local Government Act 1986.

Explanatory information:

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.

You should also have regard to the Code of Recommended Practice on Local Authority Publicity, which requires that publicity issued by local authorities should be objective and even handed.

7. Use of local authority resources and facilities

Code obligation:

7.1 When using the council's resources, you must do so in accordance with the authority's requirements and ensure that resources are not used improperly (including improperly for political purposes)

Explanatory information:

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
- 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.

8. Decision Making

Code obligations:

- 8.1 You must have regard when reaching decisions, to advice provided to you by the authority's Chief Finance Officer or Monitoring Officer when they are acting in accordance with their statutory duties.**

Explanatory information:

You should have regard to the advice of the statutory officers mentioned above and take this into account, even if you choose not to follow it. If you choose not to follow the advice, you should be able to provide reasons for not doing so.

9. Complying with the Code of Conduct

Code obligations:

- 9.1 You must undertake all relevant training about the code provided by your local authority.**
- 9.2 You must cooperate with any investigation or other procedure carried out by your local authority in connection with an allegation of a breach of the code.**
- 9.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or procedure in connection with an allegation of a breach of the code.**
- 9.4 You must comply with any sanction imposed on you following a finding that you have breached the code.**

Explanatory information:

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.

10. Interests

Code obligations:

- 10.1 You must register and disclose your disclosable pecuniary interests as required by law**
- 10.2 You must register and disclose your personal and prejudicial interests as required by appendix 3**

Explanatory information:

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 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.

Disclosable pecuniary interests (sometimes called 'DPIS') are set out in law by the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Appendix 2 describes the provisions about disclosable pecuniary interests.

Appendix 3 is the part of the code that sets out the detailed provisions about personal and prejudicial interests that apply to councillors.

You must comply with the rules in appendix 2 and appendix 3, where they apply. If in doubt, you should always seek advice from your Monitoring Officer.

11. Gifts and hospitality

Code obligations:

- 11.1 You should exercise caution in accepting gifts or hospitality in circumstances where a reasonable person would conclude that the gift or hospitality was given to you because you are a councillor, or because of any role or position that you hold in the council or a political group, unless the value of the gift or hospitality is trivial.**
- 11.2 You should exercise caution in accepting gifts or hospitality in circumstances where a reasonable person would suspect that the person giving the gift or hospitality is a person seeking to do business with the council or who may be considering applying to the council for any permission, licence or other significant advantage.**
- 11.3 You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

Explanatory information:

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered and the reason for acceptance is given. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance. A record of hospitality accepted by the Mayor is recorded by his/her secretary in the diary of events. However, any gifts offered to the Mayor during the course of his/her duties should be recorded.

Appendix 1 – The Seven Principles of Public Life (the ‘Nolan’ principles)

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix 2 – Disclosable pecuniary interests ('DPIs')

General

A2.1 This appendix explains the statutory requirements of the Localism Act 2011 (Sections 29- 34) in relation to disclosable pecuniary interests (DPIs). These are enforced by criminal sanction.

A2.2 A **disclosable pecuniary interest** is an interest of yourself or your partner (which means spouse or civil partner, 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) of the descriptions set out at the end of this appendix.

A2.3 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a DPI.
- (ii) Make a verbal declaration (at the beginning or as soon as you become aware of your interest) of the existence and nature of any DPI at any meeting at which you are present where an item of business which affects or relates to the subject matter of the interest is under consideration.
- (iii) Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a DPI and comply with the Council's Procedure Rules by leaving the room.

Dispensations

A2.4 The Audit and Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Offences

A2.5 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election, or becoming aware of a disclosable pecuniary interest
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

A2.6 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Categories of Disclosable Pecuniary Interests (DPIs)

Subject	Prescribed 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 the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority -</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	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge) –</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<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 the area of the relevant authority; 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>(j) if that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Appendix 3 – Personal interests and prejudicial interests

This appendix sets out requirements made by the council that form part of the code.

A3.1 Personal Interests

- A3.1.1 You have a **personal interest** where a decision in relation to that business might reasonably be regarded as affecting:
- (i) Your well-being or financial position of a member of your family or any person with whom you have a close association
 - (ii) A body of which you are a member or in a position of general control or management and have been appointed or nominated to it by your authority.
 - (iii) A body of which you are a member (other than another local authority) exercising functions of a public nature, any body directed to charitable purposes or any body 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.
- A3.1.2 You must:
- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a personal interest set out in paragraph A3.1.1 (ii) and (iii) above.
 - (ii) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any personal interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.

A3.2 Prejudicial interests

- A3.2.1 Your personal interests would become **prejudicial** in the following instances:
- (i) Where a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest AND where that business:
 - (a) affects your financial position or the financial position of a person or body through whom the interest arises or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises.
- A3.2.2 You must:
- (i) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any prejudicial interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.
 - (ii) Comply with the Council's Procedure Rules by withdrawing from any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.
- A3.2.3 Where you have a prejudicial interest you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the

same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

A3.3 General dispensations

A3.3.1 You may attend a meeting and vote on a matter where you have an interest that relates to the functions of the authority relating to:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
- (ii) an allowance, payment or indemnity given to members
- (iii) any ceremonial honour given to members
- (iv) setting council tax or a precept under the Local Government Finance Act 1992
- (v) another local authority

A3.4 Sensitive interests

A3.4.1 Where you consider that disclosure of the details of a personal or prejudicial interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

PART 5b – OFFICERS’ CODE OF CONDUCT
Effective from 249 May 2023 20 May 2015 Approved by Council on 30 March XX Month 2023 15

1 INTRODUCTION FOR EMPLOYEES

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for Fylde Borough Council. This Code sets out the standards expected from employees. It should be read, where appropriate, in conjunction with the Council's employment policies, other relevant policies and procedures, conditions of service, procedural rules and statutory requirements.
- 1.2 Some of the issues covered will affect senior, managerial and professional employees more than other employees but many aspects of the Code are applicable to all the Council's staff.
- 1.3 The golden rule to remember is that you should never do anything as an employee of the Council which you could not justify publicly. Your conduct will affect the reputation of the Council. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 1.4 Please read the Code carefully. It is your responsibility to make sure that what you do complies with the standards set down. If in doubt seek advice from your manager or from the human resources officers.

2 STANDARDS

Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees should, without fear of recrimination, bring to the attention of their manager any deficiency in the provision of service. Employees must also report to their own manager or any other appropriate senior manager any impropriety or breach of procedure.

Officers should note that in accordance with the Council’s Disciplinary Procedure, that gross misconduct is misbehaviour of such a nature that the Council is unable to tolerate the continued employment of an employee. An example of such misbehaviour is that of failure to observe the Council Code of Conduct, and as a result, acting in breach of it.

3 DISCLOSURE OF INFORMATION

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public and, in certain circumstances, officers may have a legal or professional duty to disclose information to a third party. Other than in these circumstances, employees shall not disclose confidential information, should not use any information obtained in the course of their employment for personal gain or benefit or pass it on to others who you believe might use it in such a way. They must also comply with the legislative provisions on data protection.

4 POLITICAL NEUTRALITY

- 4.1 Employees serve the Council as a whole, so they must serve all Councillors and not just those of the controlling group. They must ensure that the individual rights of all councillors are respected and that they do not compromise their political neutrality.
- 4.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

5 RELATIONSHIPS

- 5.1 Employees are responsible to the Council through its senior managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors, especially if an employee’s role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.
- 5.2 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.
- 5.3 Orders and contracts must be awarded on merit and in accordance with the Council's procedures, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
- 5.4 Employees who place orders, award contracts or supervise contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors they deal with in the course of these duties, should declare that relationship to their manager and should record it in the register provided.

6 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 6.1 Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 6.2 Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustment for any other employee who is a relative, partner, etc or with whom they have a close personal relationship outside work.
- 6.3 Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with their official duties, if it makes use of confidential material to which they have access by virtue of their position, or if it in any way weakens public confidence in the conduct of the Council’s business.
- 6.4 APT&C employees who hold posts above Scale 6 and all JNC employees have conditions of service which require them to obtain written consent to take any outside employment.
- 6.5 No paid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid outside work.

7 INTELLECTUAL PROPERTY

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by employees in the course of their duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

8 PERSONAL INTERESTS

- 8.1 Employees must declare to an appropriate manager any non-financial and financial interests that could bring about conflict with the Council's interests and record it in the register provided.

- 8.2 Examples of interests which would need to be declared under 8.1 are:
- (i) Personal relationship with a councillor;
 - (ii) Personal relationship with an external contractor or supplier;
 - (iii) Personal relationship with a candidate for employment with the council;
 - (iv) Outside employment or directorships, including details of remuneration and fees;
 - (v) Financial interest in any council contract;
 - (vi) Membership of a body that the council funds or grant aids; and
 - (vii) Personal relationship with any applicant for grant aid or financial assistance.
- 8.3 Employees must notify an appropriate manager and must record in the register Freemasonry membership or membership of any organisation which is not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. Candidates for posts will not be expected to declare membership of such organisations but, if appointed, must declare it when they take up their post.

9 EQUALITY ISSUES

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

10 SEPARATION OF ROLES DURING TENDERING

- 10.1 Employees involved in the tendering process and dealing with contractors must comply with legal requirements and any Council policies or procedures on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 10.2 Employees in contractor or client roles must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 10.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11 CORRUPTION

It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

12 USE OF FINANCIAL RESOURCES

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with financial regulations. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

13 HOSPITALITY AND GIFTS

- 13.1 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them personally.
- 13.2 If there is a genuine need as a legitimate part of an employee’s job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Senior Officer or Senior Manager for advice.
- 13.3 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during a tendering period.
- 13.4 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.
- 13.5 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the council may be called into question.
- 13.6 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the council.
- 13.7 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.
- 13.8 A register is maintained by the Monitoring Officer which is open to inspection by the Audit ~~and Standards and Governance~~ Committee of the council. This register should be used by any employee of the council who accepts any gift, favour or hospitality made to them and accepted by them personally or on behalf of the council. Officers should make declarations regarding any gifts or hospitality received within ten working days of their receipt. Extenuating circumstances for declarations beyond this period should be agreed with the respective line manager.

PART 5c – PROTOCOL ON MEMBER/OFFICER RELATIONS

Effective from ~~20 May 2015~~249 May 2023
~~and updated January 2018~~xx 2023

Approved by Council on ~~30 March 2015~~May

PART 5c – PROTOCOL FOR MEMBER/OFFICER WORKING ARRANGEMENTS

1. INTRODUCTION

- 1.1 Fylde Council recognises that the relationship between its members and its officers is of vital importance in its work on behalf of the people of the Borough. The Council believes that a public statement of rules and guidance on this relationship demonstrates its commitment to act with integrity and helps both members and officers in carrying out their different but interrelated functions.
- 1.2 The Council accepts that mutual respect between members and officers is essential to good local government. However, working relationships between members and officers should never be allowed to become so close, or appear to be close, as to bring the officers' ability to deal impartially with other members into question. Such relationships should also not be influenced by sex, sexual orientation, marital status, race, nationality, ethnic or national origin or colour, creed or religion, age, income or disability.
- 1.3 Given the variety and complexity of member/officer relations, the protocol does not seek to be prescriptive or comprehensive. The intention is simply to offer guidance on some of the issues which most commonly occur and which, in turn, may help and serve as a guide in dealing with other situations which might arise.
- 1.4 The protocol is largely a statement of current practice and convention, but by collating and emphasising these principles it is hoped to promote greater clarity and certainty.
- 1.5 Both Members and Officers serve the public. They depend on one another, but their responsibilities are distinct. Members are responsible to the electorate and are responsible for setting policy. Officers are responsible to the Council.
- 1.6 Members should respect the impartiality and integrity of all the Council's Officers. Similarly, officers must respect the role of members as elected representatives. It is important that any dealings between members and officers should observe proper standards of courtesy and that neither party should seek to take unfair advantage of their position.

2 ROLES OF MEMBERS

- 2.1 Members are elected by, and ultimately accountable to, their electorate. In fulfilling their role, members have to take into account corporate, community and (usually) political dimensions.
- 2.2 Collectively, members have corporate responsibility for the actions of the council. They are responsible for the strategic direction of the council, for its overall governance, for ensuring that it meets its legal obligations, and that its organisation is fit for the purposes of delivering the services which it is required or may choose to provide.
- 2.3 Individually, members have community responsibility for representing people who live in the wards that they represent. This may include passing on concerns and criticisms about council policy and decisions to other members and to officers.

2.4 Members who have been elected as candidates of a political party will have a political responsibility to their party group. Though they are not legally required to act in line with any political expectation, the position of their group is a legitimate and proper consideration.

2.5 Officers, particularly senior officers, should be sensitive to the different dimensions of the role of members and to the differences between the roles of members and officers.

2.6 Officers must have regard to the “Think Councillor” guidance which is annexed to this protocol.

3 ROLE OF OFFICERS

3.1 The principal role of officers is to support members in their role by giving advice to Members and the Council and by carrying out the Council’s work under the direction and control of the Council. However, certain officers have specific legal responsibilities that they must fulfil. All officers have professional responsibilities which may affect the way in which they support the role of members.

3.2 Where the council is led by a majority political group or coalition of groups, officers should work with that group or those groups to facilitate their strategic leadership of the council. But this does not include embracing, influencing or being party to the political priorities or electoral aspirations of any group.

3.3 Officers should also assist individual members and other political groups to use the mechanisms available to question and challenge decisions or actions of the council or committees. This would include advising on the appropriateness of particular mechanisms, but not (for example) on lines of criticism.

3.4 It is important to recognise that officers are accountable to their respective Head of Service, who in turn are responsible to the Chief Executive and Deputy Chief Executive. Whilst officers must seek to assist all members, in doing so, they must not go beyond their legitimate authority. The Chief Executive has statutory responsibility for the proper organisation and management of the council’s staff, and therefore has overall responsibility for the direction and management of all its officers.

4 INFORMATION

4.1 The Council believes in open government. Members have the same rights to see information held by the council as members of the public. They also have additional legal rights to see information which they need to perform their duties as a member. But they do not have a right to see information which is exempt from the disclosure provisions of the Freedom of Information Act 2000 and which it is not necessary for them to see to perform their duties. The information that a member needs to see to perform their duties will differ depending on the position that a member holds (for example, leader or committee chairman).

4.2 Members should direct requests for information to officers of appropriate seniority. Officers who receive a request for information from a member should respond promptly to the request, either by providing the information, passing on the request to another officer (and informing the member that they have done so), or explaining to the member why the information cannot be provided.

4.3 An officer below head of service level who is minded to not provide information which has been requested by a member should not make a final decision on the request until they have discussed it with his/her/their Head of Service, who should discuss the request with the member. The Chief Executive must, at the member’s request, review a decision to refuse access to requested information. This is without prejudice to the member’s right to exercise any remedy under the Freedom of Information Act 2000.

5 ACCESS TO PROPERTY

- 5.1 Members may, subject to security, health & safety, information governance and data protection considerations, enter any property, and any part of that property, in the occupation of the Council in the performance of their duty as a member.
- 5.2 Officers shall make arrangements to admit a member to enter such property on the receipt of a reasonable request from the member.

6 ACCESS TO OFFICERS

- 6.1 Members may consult and meet with any officers during the working hours of the Council.
- 6.2 Officers shall respond promptly to a request from a member for a meeting.

7 USE OF COUNCIL FACILITIES

- 7.1 In the performance of their duties, members have the right to use facilities provided for their use such as the Members Room.
- 7.2 Officers shall provide assistance on request to members to enable them to make use of the facilities.
- 7.3 Members shall ensure that their use of such facilities is strictly for their duties as a member and for no other purpose.

8 GROUP MEETINGS

- 8.1 No officer of the Council shall be obliged to attend a meeting of a political group.

9 POLITICAL NEUTRALITY

- 9.1 Members are entitled to receive the same courtesy, service and respect from Officers, whatever their political group. Members should respect the political neutrality of officers and should avoid any action which might compromise that neutrality.

10 AGENDAS AND BRIEFINGS

- 10.1 The lead officer for each committee (either Executive, scrutiny or regulatory) has responsibility for settling the agenda for each committee meeting working closely with the Chairman of the committee together with the designated committee officer in the Democratic Services team.
- 10.2 Members of the Senior Management Team will always be fully responsible for any report submitted in their name, and the contents of the respective reports based on their professional judgement. In exceptional circumstances, one of the council's statutory officers may be under a duty to submit a report and it should be noted that the committee chairmen are not entitled to require the removal of items from agendas.
- 10.3 The Chairman and Vice-Chairman of a Committee etc are entitled to receive a briefing, during normal office hours (or, by arrangement, after normal office hours), by officers on reports to be submitted to that meeting at a time convenient to the members prior to the meeting and on general business connected to the business of that committee.
- 10.4 The support which officers provide can take many forms ranging from a briefing meeting with a Chairman prior to a meeting, through to a presentation to a wider group. Whilst in practice officer support is likely to be in demand from whichever party is for the time being in control of the Council, such support is available to all party groups together with non-aligned members.

10.5 No conclusions reached at a briefing or other meeting described in 10.3. above can be acted on as a decision in relation to a matter of council business and such meetings form a part of the preliminaries only to decision-making. It is essential that they are not communicated, interpreted or acted upon as though they have official status.

11 CORRESPONDENCE

11.1 Official letters and correspondence on behalf of the council should normally be sent out in the name of the appropriate officer rather than in the name of a member. However, it is accepted that there will be occasions when it will be appropriate for members in positions of responsibility to send correspondence on behalf of the council, for example ministerial correspondence with the Leader of the council. Letters to create obligations, confirm or deny the acceptance of liability, or give instructions on behalf of the council should generally be sent out by the appropriate senior officer.

11.2 Officers will reply promptly to correspondence from members, consistent with their other duties, endeavouring to do so within 48 working hours. Emails or messages sent outside working hours will be considered as being received on the next available working day.

12 COMMITTEE MEETINGS

12.1 All members are entitled to receive advice from members of the Senior Management Team on how best they can pursue issues that they wish the council to consider, including placing items on agendas before committees.

12.2 Members have a right to have the way they have voted on an issue recorded in the minutes of a council or committee meeting. The request of any officer that the minutes of a meeting record the advice of that officer on any matter where members have decided not to follow that advice shall be complied with.

12.3 It is particularly important to recognise that officers giving advice to a formal Committee or Council etc meeting are constrained in their ability to respond to any behaviour amounting to a personal attack or unnecessarily persistent questioning by a member. It is unacceptable for a member to pursue a course of conduct, which places an officer in this position. It is important to remember that officers are under a clear duty to give appropriate advice to members, even where they suspect it might be unpalatable and it is important that officers should not be placed in a position where they feel under pressure to suppress their professional advice. Accordingly, if any member is unhappy with the advice received from an officer, they should not persist in raising the matter at the meeting but should register their concern and intention to raise the issue with the Chief Executive or Deputy Chief Executive later. Similarly, members shall not be subject to abuse or criticism by officers either directly or indirectly.

12.4 The Chairman of the meeting should be very much aware of the need to ensure an officer is not subjected to undue criticism whilst giving advice to members and should intervene to present such a situation from continuing.

13 MEMBERS' PERSONAL DEALINGS WITH THE COUNCIL

Members shall never seek or accept, and officers shall never offer, preferential treatment to a member in their personal dealings with the Council. Similarly, members shall never seek preferential treatment for friends or relatives, or any firm or body with which they are personally connected.

14 MANAGEMENT OF OFFICERS

Officers are responsible to the council as their employer, but that responsibility is first expressed through the management structure. No member has any rights to appoint, dismiss or discipline officers other than in accordance with Standing Orders through the chairmanship of an appropriate Committee. Members shall not become involved in individual staffing matters. Neither members nor officers shall lobby any other members in support of any employment decision affecting an individual employee or applicant for employment.

15 MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

15.1 The Monitoring Officer and the Chief Financial Officer have statutory duties to report anything which the authority has done, or proposes to do, which is unlawful, or which would constitute maladministration.

15.2 No member shall attempt to obstruct the performance of this duty by these officers.

16 CONFIDENTIALITY

16.1 Officers who acquire information from members which members request should remain confidential shall comply with such a request if it is possible to do so without infringing the Freedom of Information Act 2000.

16.2 As much information as possible shall be available to the public. It is open to a Committee to consider designating items as exempt subject to the public interest tests being considered.

17 FAILURE TO COMPLY WITH THE CODE

17.1 Any member or officer who knows or suspects that an officer has failed to comply with the provisions of the code may bring the matter to the attention of the Chief Executive or follow the Council's whistleblowing policy and procedure. Any action to investigate the alleged breach of the code shall be conducted in accordance with the Council's disciplinary procedure.

17.2 Any member or officer who knows or suspects that a member has failed to comply with the provisions of this code may bring the matter to the attention of the Chief Executive who may raise the matter with the member concerned and take whatever further action which may be appropriate.

18 REVIEW

This code shall be reviewed on a regular basis.

INTRODUCTION

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~~— Given the variety and complexity of member/officer relations, the protocol does not seek to be prescriptive or comprehensive. The intention is simply to offer guidance on some of the issues which most commonly occur and which, in turn, may help and serve as a guide in dealing with other situations which might arise.~~

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FAILURE TO COMPLY WITH THE CODE

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REVIEW

~~This code shall be reviewed on a regular basis.~~

Think Councillor Guide

1. Overview

"Think Councillor" is all about encouraging staff to think about our councillors in the work they do. After all, councillors are responsible for much of what we do and the decisions that are made so we need to keep them as informed as possible.

Above all, councillors are elected representatives, which means they are the voice of the people of Fylde whom we all serve, and they're also the ones who are accountable to the public for council services at the ballot box.

"Think Councillor" isn't just about the formal contact you might have with councillors at committee meetings or working groups. It's about making sure you think about councillors in everything you do.

This guide sits alongside a governance ipool module aimed at outlining the way the council conducts business, sets policy, and the role of councillors within this framework.

2. Principles and responsibilities

There are six key principles which staff must observe:

1. Put the needs and expectations of our councillors at the heart of everything we do;
2. Keep our councillors informed particularly when a matter affects a specific electoral ward;
3. Provide a high standard of service and show respect to our councillors at all times, and seek that respect in return, whilst remaining politically neutral;
4. Support our councillors to carry out their roles;
5. Find out what our councillors need and respond to it; and
6. Work positively with our councillors to continually improve our services for the people of Fylde.

"Think Councillor" has the full backing of the Senior Management Team.

The Chief Executive, statutory officers and heads of service are responsible for ensuring that the principles of "Think Councillor" are embedded within service areas, leading by example.

3. If you are a manager

You should:

- Support your staff to "Think Councillor"

- Ensure that your teams know how to "Think Councillor"
- Make sure your service is delivering the formal reports to council/committees in time, in the right format and with the information our councillors need to make a decision.
- Introduce the "Think Councillor" guide at team meetings or by using another means of communication that is available to you.
- Use this guide alongside the ipool module
- Make sure your staff know which councillors are relevant to their service or their geographical areas.
- Talk to your staff individually about what sort of contact they have with councillors and how they can use this guide and the tools to improve their service to our elected members.
- Build the "Think Councillor" principles into Performance Development Reviews and help your staff to develop their skills in "Thinking Councillor" and responding to our councillors' needs.

4. If you are an officer

You should:

- Ensure that our councillors are provided with relevant and timely information, having regard to the [protocol on member/officer relations](#), as well as data protection and any other statutory provision relating to confidentiality and confidential material.
- Inform the local councillor of any service-related issue which is likely to affect or be of interest to an electoral ward. It is extremely important that you do this before the matter is made public.
- Understand that whilst you may come into contact with county or parish councillors in your job, it is important that Fylde Borough Councillors are given first consideration to avoid any surprises.
- Make sure you know which councillors need to know about the work you do and talk to your manager about the best way to do this.
- Think about which councillors need to 'know' first e.g. leader, committee chair, ward councillor, and think about the best way of doing it.
- Complete the governance ipool module.
- Discuss with the team how to improve our service to councillors and to support their role.
- Ensure you treat all members with equal respect and provide advice and support to members in a politically impartial manner in accordance with the Member/Officer protocol.

5. Useful tools

Get to know your councillors	You should familiarise yourself with the councillors that comprise Fylde Council by reviewing the Directory of Fylde Borough Councillors, their wards and areas of responsibility.
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Protocol on member/officer relations	You should familiarise yourself with the protocol on member/officer relations. It is a document for all officers and provides a guide to good working relationships between officers and councillors, to define the respective roles of members and officers and provide some principles governing conduct.
iPool module	This module will build your knowledge of the council's governance structure, the role of members, members with special responsibilities and who they are and provide a resume of the Member/Officer protocol.
1-1 briefings on 'important to know' issues for our councillors	There are a number of reasons why our councillors should be briefed. For example, if they are attending an outside meeting and need some background information, there is an issue which affects a particular electoral ward or if they ask you to provide information about your service. If you receive such a request you are advised to talk it through with your manager who will support you in this.
Report writing and supporting council and committees	Make sure you are familiar with the Council's Report Writing Guide and if you need any additional guidance contact Ian Curtis, Head of Governance. Also familiarise yourself with the closing dates of meetings and make sure you circulate your reports well in advance of this, sharing a draft copy with the respective Chairman/Lead Member.
Member briefings	If appropriate, consider hosting a member briefing. These can be used to brief councillors on different services, policy developments, latest initiatives, progress and achievements.
Working with parish and town councils	Parish and Town Councils are the level of government where decisions are made or influenced at the most local level and it is therefore important that we keep them informed and consult with them about important decisions. There are District-Parish Liaison Meetings scheduled throughout the year and if there is something you wish to share or consult on, please liaise with your Head of Service in the first instance.

PART 5d – MEMBER/OFFICER PROTOCOL FOR PLANNING

Effective from ~~249 May 2023~~ ~~20 May 2015~~

Approved by Council on ~~X 2023~~ ~~30 March 2015~~

1. INTRODUCTION

- 1.1 This Local Code of Good Practice represents the standard against which the conduct of members and officers will be judged. Failure to follow this Local Code of Good Practice without good reason may be taken into account in investigations into possible maladministration by the council and might result in allegations that a member or officer has breached the council's local code of conduct that applies to them.
- 1.2 This Local Code of Good Practice is concerned primarily with the integrity of the planning system and the conduct of members of the Planning Committee and officers in its processes and procedures. However, it equally applies to all other members of the Council when dealing with planning issues.

2 THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Instructions to officers may only be given through a council or committee resolution. Individual members cannot give instructions.
- 2.2 Each councillor is obliged to observe the council's local code of conduct adopted under the Localism Act 2011.
- 2.3 Each officer is obliged to observe the Officers' Code of Conduct
- 2.4 The council's Protocol on Member/Officer Relations requires members to respect the impartiality and integrity of council officers and officers to respect the role of members as elected representatives.
- 2.5 Officers who are chartered town planners will also be guided in their conduct by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct.
- 2.6 The conduct of council business will be governed by the council procedure rules.
- 2.7 While councillors have a special duty to their ward constituents, their overriding duty is to the whole community. Councillors must represent their constituents as a body and vote in the interests of the whole borough.
- 2.8 Members must take account of views expressed but, as required by paragraph 6.(a) of the code of conduct, must not use their position as a member, improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 2.9 Councillors should be cautious about accepting gifts and hospitality. Under paragraph 13(c) of the members' code of conduct, a councillor may have an interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom the councillor has received a gift or hospitality with an estimated value of at least £25, and will need to register that interest.
- 2.10 Officers must always act impartially. With regard to hospitality, if hospitality is offered by anyone with an interest in a planning proposal it should, if possible, be politely declined. If hospitality is accepted, it should be declared in the council's register of gifts and hospitality.

3 TRAINING

- 3.1 The council acknowledges the importance of training for members, particularly initial training for members when first serving on the Planning Committee. Training will be provided, and members will be updated on changes in legislation, procedure and national policy in relation to planning matters.
- 3.2 If a member of the Planning Committee consistently fails to undertake training, their group leader will be asked to remove them from the committee.
- 3.3 If a reserve Planning member consistently fails to attend meetings of the Planning Committee or to undertake training, the committee will consider removing them as a reserve Planning member.

4 DECLARATION OF INTERESTS

Members must follow scrupulously the requirements placed upon them as laid down by the Localism Act 2011 (including regulations made under it) and the council's code of conduct in relation to the registration and declaration of interests.

5 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENTS

It is legitimate for former and serving members and officers (and their close friends and relatives) to submit planning applications or development plan proposals. The council may also submit planning applications or proposals for its own land. They, i.e. members, officers or the council itself, may also own or have an interest in land for which a planning application or development plan proposal is made by a third party. To ensure that all of these applications and proposals are handled in a way that gives no grounds for accusations of favouritism, the following will apply:

- 5.1 Proposals for the council's own development should be treated in the same way as those by private developers, in accordance with circular 19/92, particularly in relation to the officers' advice.
- 5.2 Serving members who submit their own proposal to the council, or who act as agents for people pursuing a planning matter within this authority's area, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process for the proposal.
- 5.3 Similarly, serving officers who submit a planning application or proposal to the council, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process of that application or proposal.
- 5.4 The council's monitoring officer should be informed of proposals submitted by members or officers and should certify that the application has been processed normally.
- 5.5 Applications or proposals by the council, by (or on behalf of) serving members and officers (including members of their family or any person with whom they have a close association) or by a third party involving land which they may own or have an interest in will be reported to the Planning Committee for determination.

6 LOBBYING OF AND BY MEMBERS

- 6.1 Members of the council, and importantly those members serving on the Planning Committee when being lobbied about a particular planning application/issue should take care about expressing an opinion which may be taken as indicating they have closed their mind to further arguments on the application/issue.
- 6.2 Additionally, members should restrict themselves to giving procedural advice including suggesting to those who are lobbying that they should speak or write to the ~~Director of Development Services~~Head of Planning in order that their observations can be included in the relevant report to committee.
- 6.3 Given that the point at which a decision on a planning application is made cannot occur before the Planning Committee meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how members should vote.
- 6.4 Members should avoid organising support for or against a planning application, and avoid lobbying other members.
- 6.5 Members should not put any pressure on officers for a particular recommendation and, as required by the code of conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

7 PRE-APPLICATION DISCUSSIONS WITH POTENTIAL APPLICANTS

- 7.1 The council encourages, in accordance with the advice of auditors and the National Planning Forum, early discussions between a potential applicant and council representatives prior to the submission of an application.
- 7.2 Pre-application discussions can involve councillors as well as officers, applicants and their representatives.
- 7.3 Administrative arrangements for pre-application discussions should be made by officers. Except for any site visit, discussions should take place at a venue arranged by the council.
- 7.4 In order for such meetings not to become, or be seen to become, part of a lobbying process, the following guidelines should be followed.
 - 7.4.1 It should always be made clear at the outset that the discussion will not bind the council to making a particular decision and that any views expressed are personal and will in any case be provisional.
 - 7.4.2 No firm or final view can be offered in such early discussions since by the very nature of such meetings, not all relevant information will be to hand, nor will formal consultations with statutory bodies and interested parties be to hand.
 - 7.4.3 Advice given by officers should be based upon the development plan and other material planning considerations. There should be no significant difference of interpretation of planning policies amongst planning officers. In addition, all officers taking part in such discussions should make it clear whether or not they expect to be the decision-maker.

- 7.4.4 Councillors can ask questions to better inform themselves about the proposed development, and can give their opinions about potential public and political reaction to the proposals.
- 7.4.5 Planning officers should prepare a written note of pre-application discussions, whether carried out in person or by telephone.
- 7.4.6 When plans or documentary material have been left with the council for comments, a letter may be sent confirming the officers' provisional views on such material.
- 7.4.7 Care must be taken to ensure that advice is not partial, nor seen to be.

8 PLANNING COMMITTEE: OFFICERS

- 8.1 Officers who serve the Planning Committee can only act in accordance with collective decisions of the committee, not instructions of individual members of the committee.
- 8.2 In advising and assisting elected members in their determination of planning applications, officers should:
 - 8.2.1 Offer impartial professional advice including advice on possible implications;
 - 8.2.2 interpret planning policies consistently;
 - 8.2.3 Prepare written reports which include:
 - 8.2.3.1 a brief written description of the proposed development and the relevant site history or related history
 - 8.2.3.2 a clear and accurate analysis of the issues in the context of the relevant development plan policies and all other material considerations
 - 8.2.3.3 the substance of any observations representations, objections, or views of all those who have been consulted or who have made comments, whether or not such observations are considered to be material
 - 8.2.3.4 a clear written recommendation of action and, where that recommendation is contrary to the development plan, the material considerations which justify the departure
 - 8.2.3.5 all necessary information for the decision to be made;
 - 8.2.4 Assist members to articulate and record their decisions and reasons for their decisions, even if the officer disagrees with them (but this does not extend to suggesting reasons where a proper planning reason for a proposed decision has not emerged in discussion); and
 - 8.2.5 Advise on appropriate drafting for conditions that members wish to add or amend.
- 8.3 To ensure that all procedures are strictly followed procedural guidance will be given by the ~~Director of Resources~~Head of Governance or ~~her~~their representative in attendance at each meeting of the Planning committee.

9 PUBLIC SPEAKING AT THE PLANNING COMMITTEE

In accordance with Article 15 of the Constitution, applicants, objectors/supporters will be permitted to speak at any meeting of the Planning Committee on any application placed before the committee. These arrangements reflect national best practice and are intended to provide more open, transparent and informed decision making.

10 PLANNING COMMITTEE: MEMBERS

In making decisions on planning applications and planning matters, members should:

- 10.1 Act fairly and openly and without prejudice;
- 10.2 take care about expressing an opinion which may be taken as indicating they have closed their mind to further arguments;
- 10.3 Not accept or seek to impose group discipline, whether in the form of a party whip or otherwise;
- 10.4 Use the officer presentation, questions and debate to test any provisional view that they have formed;
- 10.5 Ensure that they understand the implications of any proposed decision, including possible appeals and costs awards;
- 10.6 Not vote if they have missed any part of the of the officer presentation, public speakers or discussion;
- 10.7 Not normally take a decision contrary to the officers recommendation without adjourning for a few minutes so that the reasons for the proposed decision can be discussed and then agreed by the committee and, where there is concern about the validity of reasons, considering deferring the decision to another meeting to have them tested and discussed;
- 10.8 Analyse all relevant development plan policies and other material considerations and, where the development plan is relevant, determine each application in accordance with the development plan unless material considerations indicate otherwise;
- 10.9 Ensure that clear, precise reasons for their decisions, based on material planning considerations, are clearly recorded, particularly where the committee's decision conflicts with officer recommendations; and
- 10.10 Where the decision is not in accordance with the development plan, ensure that the reasons that justify overriding the development plan are clearly demonstrated and explained.

11 SITE VISITS

- 11.1 The council's code of conduct applies as much to site visits as to any other area of conduct.
- 11.2 Organised committee site visits to application sites will be held where the committee has, by a majority, requested such a visit or where requested by officers, in consultation with the chairman or vice chairman of the committee.
- 11.3 Site visits should only be held:
 - 11.3.1 Where the expected benefit is substantial; and/or

- 11.3.2 The impact of the proposed development is difficult to visualise from the plans and supporting material, including photographs/video footage taken by officers.
- 11.4 Site visits will be primarily to view the site and appreciate how the proposed development relates to the site and its surroundings. An officer(s) would be in attendance with the members. No discussion of the merits of the proposal will take place as the site visit is purely to assess the effect of the proposed development on the surroundings. However, members may ask factual questions to confirm their understanding of physical features of the site or its surroundings.
- 11.5 Planning applications will not be determined at site visits but will be reported back to the Planning Committee (following the site visit) for determination in the normal way.
- 11.6 If an applicant/agent or objector is present at the time of the visit, members should explain the purpose is to see the site and surroundings, and not to hear representations, and should not offer any opinion whatsoever and in particular should not indicate that they have already made up their mind on the application/issue.
- 11.7 It is not expected that members will make personal site visits which would result in contact with an applicant, agent or objector. Exceptionally, members who wish to view sites prior to a meeting of a committee, other than authorised and arranged visits in accordance with 11.2 to 11.6 should bear in mind at all times that the sole purpose is to view the site and its surroundings.
- 11.8 A member should declare at the Planning Committee at which the application is considered that a personal site visit has been made by them which has resulted in contact with the applicant, agent or objector.

12 REVIEW OF DECISIONS

- 12.1 The Planning Committee will review its decisions from time to time.
- 12.2 In particular, the committee will examine the way development which has been permitted has turned out and will have an organised tour of selected recent developments, at least annually.
- 12.3 Following the consideration of such developments, officers and members will be encouraged to review the good and bad points of permitted schemes and decide whether such review gave rise to the need for any policies or practices to be reconsidered.

13 COMPLAINTS

All complaints received will be dealt with by way of the council's approved complaints procedure.

PART 5e – MONITORING OFFICER PROTOCOL	
Effective from 249 May 2023 2015	Approved by Council on x 2023 30-March-2015

1 GENERAL INTRODUCTION TO STATUTORY RESPONSIBILITIES

1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Fylde Council.

The current responsibilities of the Monitoring Officer role rest with the [Deputy Chief Executive](#)~~Director of Resources~~ who undertakes to discharge ~~her-those~~ statutory responsibilities with a positive determination and where possible in a manner that enhances the overall reputation of the Council. In doing so ~~she-the Monitoring Officer~~ will also safeguard, so far as is possible, Members and Officers acting in their official capacities, whilst incumbent on those Members and Officers to undertake their responsibilities correctly.

The main functions of the Monitoring Officer at Fylde Council are:

- (a) to report to the Council in any case where ~~she-they are is~~ of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989 (LGHA 89);
- (b) to act as a principal adviser to the authority's ~~Audit and~~ Standards Committee;
- (c) to commission or undertake investigations in accordance with the Council's Standards Framework;
- (d) to maintain the register of members' interests;
- (e) to act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council;
- (f) to have responsibility for responding to complaints to the Local Government Ombudsman

1.2 In general terms, the Monitoring Officer's ability to assist the Council in maintaining standards and good governance will depend on members and officers upholding such standards:

- (a) complying with the law (including any relevant Codes of Conduct);
- (b) complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
- (c) making lawful and proportionate decisions;
- (d) complying with the Council's Constitution and standing orders
- (e) generally, not taking action that would bring the Council, their offices or professions into disrepute
- (f) communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

1.3 The main statutory references for the Monitoring Officer's functions are set out in paragraph 4 of this Part of the Constitution.

2 WORKING ARRANGEMENTS

- 2.1 Having excellent working relationships with members and officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate, particularly in the early decision-making stages, will assist in fulfilling responsibilities. Members and officers must, therefore, work with the Monitoring Officer and ~~her~~ their staff to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Senior Managers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:
- (a) be alerted by Members and Officers to any issue(s) that may require the Monitoring Officer to consider the use of statutory and non-~~e~~-statutory powers in relation to issues regarding ethical standards, probity, propriety, procedural or other constitutional issues;
 - (b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council or Committee meetings;
 - (c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council or Committee meetings;
 - (d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of ~~her~~ the Monitoring Officer's functions;
 - (e) ensure the other statutory officers (Head of Paid Service and the Section 151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - (f) meet regularly with the Head of Paid Services to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - (g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation;
 - (h) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources she requires to discharge her statutory functions;
 - (i) have an appropriate relationship with the Leader, Deputy Leader, the Mayor and other Group Leaders together with members of the ~~Audit and~~ Standards Committee with a view to ensuring the effective and efficient discharge of Council business;
 - (j) develop effective working liaison and relationship with the Council, Auditors and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

- (k) maintain and keep up-to-date relevant statutory registers for the declaration of members’ interests, gifts and hospitality;
- (l) give informal advice and refer for investigation if deemed appropriate allegations of elected member misconduct in consultation with an independent person;
- (m) subject to the approval of the [Audit and Standards Committee](#), be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
- (n) to prepare the Councils’ Corporate Governance Statement each year for approval by the [Audit and Standards Committee](#)
- (o) appoint [one or more a deputy/deputies](#) and keep [him / her / them](#) briefed on any relevant issues that [he / she / they](#) may be required to deal with in the absence of the Monitoring Officer. The [Deputy/Deputies](#) will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer or at the direction of the Monitoring Officer.

3 MEMBER AND OFFICER RESPONSIBILITIES

- 3.1 To ensure the effective and efficient discharge of the arrangements set out above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 3.2 Where the Monitoring Officer receives a complaint of alleged member misconduct, [she / they](#) shall seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without apology. However, it is recognised that the Monitoring Officer may determine that if the matter is of such importance that an investigation is the only appropriate response.
- 3.3 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.
- 3.4 To ensure the effective and efficient discharge of this Protocol, the Council will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

4 SUMMARY OF MAIN MONITORING OFFICER FUNCTIONS

Description	Source
1. Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989

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| 3. Appointment of Deputy | Section 5 Local Government and Housing Act 1989 |
| 4. Report on resources | Section 5 Local Government and Housing Act 1989
Localism Act 2011 |
| 5. Investigate misconduct in compliance with Regulations | Localism Act 2011 |
| 6. Establish and publish a register of Members Disclosable Pecuniary Interests | Code of Conduct for Members |
| 7. Advise to members on interpretation of Code | Section 92 LGA 2000 |
| 8. Compensation for maladministration | Government guidance, Council's Solicitor / Legal Team |
| 9. Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members | |

PART 5f – PROTOCOL FOR MEMBERS ON OUTSIDE BODIES
Effective from 249 May 2023 20-May-2015 Approved by Council on x 2023 30-March-2015

This guidance/protocol is broken down into the following elements:

- Core competencies for elected members serving on outside bodies.
- Guidance for councillors serving on outside bodies based on the type of appointment
- The online reporting form (https://www.fylde.gov.uk/forms/ShowForm.asp?fm_fid=887) must be completed by every member serving on an outside body every six months, with all completed information being ~~considered by one of the Council's scrutiny committees~~ ~~circulated to all members of the Council for information.~~
- Those members failing to complete the information following a second reminder from an officer will be brought to the attention of ~~one of the Council's scrutiny committee's~~ ~~the relevant programme committee~~ chairman. The Chairman must enquire whether that member wishes to continue on the Outside Body.
- Application form for members wishing to submit a challenge to an appointment to an outside body. All appointments are determined at the next ordinary Council following the AGM, except in an election year where appointments are considered at the AGM. The intention is that two months prior to this date, all councillors will be reminded of their opportunity to submit an application for consideration by the Council in non-election years.

1 CORE COMPETENCIES FOR MEMBERS SERVING ON OUTSIDE BODIES

- (i) Is generally available to attend meetings of the outside body
- (ii) Attends all meetings where circumstances permit
- (iii) Has an understanding, underpinned by appropriate experience or knowledge, of the purpose and work of the outside body
- (iv) Understands their role as the council's representative, including the need to represent the council as a whole
- (v) Uses their role on the outside body to champion the interests of the people of Fylde, insofar as this is consistent with any other duty
- (vi) Regularly reports on their work with the outside body to all members of the Council
- (vii) Knows the procedure for dealing with conflicts between their own interests, those of the Council and those of the outside body
- (viii) Has appropriate understanding of any regulatory framework that affects the outside body
- (ix) Has the skills needed to properly fulfil his or her role in the outside body
- (x) Informs the Council Leader if they are unable to continue to fulfil the competencies

2 COUNCILLORS APPOINTED AS DIRECTORS OF LIMITED LIABILITY COMPANIES

2.1 Legal Status

- (i) Upon incorporation a company becomes a separate legal entity, which can hold property in its own right, enter into contracts and sue and be sued in its own name.
- (ii) Companies limited by shares are those which have a share capital e.g. 1000 shares of £1 each.
- (iii) Each member holds shares and receives a share in the profits made by the company in the form of a dividend. Shares can be sold. Liability in the event of a winding-up is limited to any amount unpaid on the shares held.
- (iv) Companies limited by guarantee do not have shares. Instead, each member agrees that in the event of the company being wound up they will agree to pay an agreed amount e.g. £1. This is most common in the public and voluntary sector, particularly where charitable status is sought.

2.2 Directors' Duties

- (i) The council should not nominate a councillor for appointment as a director of a company where there is a realistic possibility that the interests of the company may come into conflict with those of the council and, in the event of such a conflict, the council would expect or require the nominee to act in the interests of the council rather than the company.
- (ii) A councillor should not accept nomination to be a director of a company where there is a realistic possibility that the interests of the company may conflict with those of the council and the councillor would not feel able, in those circumstances, to act in the interest of the company rather than the council.
- (iii) The role of a councillor who has been appointed as a director will depend upon the company's constitution. A company's constitution will vest most of its powers in the board of directors and the board will exercise these either directly or through managers appointed by the board. Directors must understand the requirements of the Company's constitution and the law in order to fulfill their responsibilities properly.
- (iv) Directors will need to be aware of the requirements of the UK Corporate Governance Code published by the Financial Reporting Council to the extent that this has been adopted by the company, including general management of the company, rules on directors' remuneration, internal financial and operational controls and risk management.
- (v) Directors must:
 - (a) act in good faith in what they believe to be in the best interests of the company (not the Council);
 - (b) act with reasonable care, diligence and skill;
 - (c) exercise their powers reasonably and for the purpose for which they are given;
 - (d) keep an open mind when making decisions on company business, in particular a councillor director must exercise independent judgment and not simply

follow Council policy when voting on company matters; avoid placing themselves in a position where their private interests or their position as a councillor conflict with their duties to the company;

- (e) be aware of the company’s financial position through attendance at board meetings and reading the accounts, agendas and minutes, it is not sufficient to assume that the other directors are doing a good job.
- (vi) Some directors may be given special responsibilities under the company’s constitution, for instance a managing director or finance director. Those with special roles will be expected to have the personal and technical skills to perform the duties associated with that role, which may be onerous.
- (vii) The above duties apply to non-executive directors as well as executive directors.
- (viii) There are other statutory requirements which may be relevant depending on the company’s business. Directors will need to be familiar with these. For example, if the company is an investment vehicle which engages in fundraising activity, financial services legislation will apply.

2.3 Observer Status

- (i) The position of observer has no specific legal status in company or local authority law. Any person appointed as an observer should ensure that their role is clearly defined and avoid involvement in the management of the Company. If an observer acts beyond their remit and exercises real influence over the company’s affairs and decision making the observer may be deemed to be a shadow director, with all the responsibilities of an ordinary director.
- (ii) Observers and others, such as professional advisors, may be invited to attend board meetings. Generally the minutes of the meetings will note the names of observers and the fact that they are “in attendance”. Persons “in attendance” have no specific legal status and in itself the phrase does not indicate any particular level of participation in the company’s affairs.

2.4 Personal Liability

A director (or shadow director) may incur personal liability if they are in breach of their duties. This may arise where:

- the company is found, in the course of winding up, to have been trading for fraudulent purposes. If a director has acted dishonestly this is also a criminal offence;
- following liquidation, a director is found liable for wrongful trading, i.e. allowing the Company to continue to trade at a time when the director knew or ought reasonably to have known that there was no reasonable prospect that the company would avoid going into insolvent liquidation;
- the company commits a breach of the criminal law, for example, health and safety legislation;
- a director acts negligently or in breach of their duty to the company (including the duty to maintain confidential any confidential information relating to the company that comes into their possession);
- a director knowingly causes the company to act beyond the activities authorized by its constitution;
- there is a breach of trust, such as the misappropriation of company funds or property;
- a director uses their powers improperly or makes a personal profit from their position as director;

- there is a failure to comply with the requirements of companies' legislation, such as the making of returns to the Registrar of Companies.

2.5 Insurance

Councillors appointed as directors should find out if the company maintains appropriate insurance cover against directors' liability. If this is not in place this should be requested, but this is a matter entirely for the board and the Council cannot insist upon this. It will be necessary to ensure that the company has the resources to maintain payment of the insurance premiums.

Further guidance on the responsibilities of company director is available on the website's business link: www.gov.uk/running-a-limited-company/directors-responsibilities

3 APPOINTMENT OF A TRUSTEE TO A TRUST OR CHARITY

3.1 Legal Status

- (i) The role and responsibilities of a trustee will depend, upon the provisions of the ~~trusts~~ governing documents of the trust and the general law relating to trusts and charities. A trust's governing document can be a trust deed or a scheme made by the charity commission.
- (ii) It is quite common for companies to be set up by trusts with charitable objects. In this case the trustees will also be directors of the company and would have the obligations set out in Appendix C above as well as the obligations set out in this section. Councillors involved with charitable companies should ensure that they understand the capacity in which they have been appointed.

3.2 Duties

- (i) The role of a trustee is generally to ~~fulfill~~ fulfil the objects of the trust and apply the income and, if appropriate the capital of the trust in accordance with the provisions of its governing documents
- (ii) Trustees are subject to various duties, including the duty to:
 - (a) act for the benefit of the charity and its beneficiaries;
 - (b) preserve the capital of the charity (unless the trust deed gives the trustees the right to spend the capital or the charity is small and the trustees have resolved to spend the capital under the Charities Act ~~1993~~2006)
 - (c) make sure income is spent only on the things authori~~z~~ized in the governing documents;
 - (d) invest the capital only in authori~~z~~ed investments, having first taken professional advice;
 - (e) produce annual accounts;
 - (f) act with reasonable care and skill in administering the trust, and
 - (g) to act unanimously (unless the trust deed allows majority decisions);
 - (h) comply with the Charities Acts and other legislation affecting the charity.
- (iii) The Charity Commission's website – www.charitycommission.gov.uk – contains useful guidance in particular Publication CC3. -'The Essential Trustee' which outlines the basic principles that should guide trustees when administering their charity:
 - the income and property of the charity must be applied for the purposes set out in the governing document and for no other purposes;
 - the trustees must act reasonably and prudently in all matters relating to the charity and must always bear in mind the interests of the charity. They should not let their personal views or prejudice affect their conduct as trustees;
 - trustees should exercise the same degree of care in dealing with the administration of their charity as a prudent businessman would exercise in managing his or her own affairs or those of somebody else for whom he or she was responsible, and

- where trustees are required to make a decision which affects a personal interest of one of their members that person should not be present at any discussion or vote on the matter.

3.3 **Liability**

- (i) Trustees are jointly and severally liable to the charity for breaches of trust. They may incur personal liability for losses incurred if they:
 - (a) act outside the scope of the trust deed;
 - (b) fall below the required standard of care;
 - (c) make a personal profit from the trust assets;
- (ii) Trustees will incur personal liabilities under contracts they enter into in the name of the charity. They are however, entitled to be reimbursed from the charity's funds for all liabilities and expenses properly incurred by them, provided this is authorized by the trustees in accordance with the trust deed.

3.4 **Insurance and Indemnity**

An indemnity can be given from the trust fund provided the trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability except criminal liability. Payment of the premiums must be authorized by the trust deed if they are to be met from charitable funds.

4 UNINCORPORATED ASSOCIATIONS

4.1 Legal Status

- (i) Most societies, clubs and similar organizations (other than companies, industrial societies and trusts), are unincorporated associations. This is an informal organisation which may arise where several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.
- (ii) There is no statutory definition of an unincorporated association but it has been described by the court as ‘an association of persons bound together by identifiable rules and having an identifiable membership’. Unlike a company it does not have a separate legal status distinct from its members.
- (iii) Because unincorporated associations are not set up under a particular legislation, their structures may vary. However, the rules of an unincorporated association are usually found in its constitution, which sets out the roles and responsibilities of its members.

4.2 Duties

- (i) An unincorporated association will typically have an executive or management committee with its powers and composition defined by the constitution. Key decisions will usually be made by the members at general meetings. The day to day administration of an association is usually undertaken by the officers and members of the executive or management committee.
- (ii) Broadly, executive or management committee members must act within the constitution and must take reasonable care in exercising their powers.
- (iii) Where an unincorporated association is a registered charity the members of the executive or management committee may also be charity trustees. As such, their role and responsibilities will be determined not only by the association’s constitution but also by the general law relating to trusts and charities.

4.3 Observer Status

The Council may appoint a councillor to the executive or management committee of an unincorporated association as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the association as they may be deemed to be an ordinary member for the purposes of determining liability.

4.4 Liabilities

- (i) Members of the management committee are generally liable, jointly and severally, for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are insufficient funds the members are personally liable for the shortfall.
- (ii) Particular care should also be taken when entering into contracts on behalf of the association. If the individual lacks the authority to do so, they may find themselves personally liable for the performance of the contract.

4.5 Insurance

Where the councillor is appointed to represent the interests of the Council then the Council’s insurance will cover them so long as they do not wilfully commit an offence.

5 STEERING GROUPS, JOINT COMMITTEES AND PARTNERSHIP BODIES, INCLUDING COMMUNITY AREA PARTNERSHIPS

- (a) The responsibilities of a councillor who is appointed as a member of any of these bodies will be determined by the terms of reference, constitution or partnership agreement under which they are established and governed.
- (b) It is necessary to ensure that the councillor's role on the body is clear, and, in particular, whether they are acting as a delegate or representative of the Council to further the interests of the Council, or whether they are expected to exercise independent judgment in the best interests of the body concerned.
- (c) Liability will depend on the nature and functions of the body and the constitution or agreement under which it is established. Insurance may be available to cover certain liability.



**QUESTIONNAIRE FOR MEMBERS ANTICIPATING NOMINATION TO REPRESENT THE COUNCIL
ON AN OUTSIDE BODY**

Name of outside body	
Description of role (e.g., committee member, director)	
What does the role involve?	
What experience and/ or interest in this subject makes you suitable for the role?	
What skills will you use in the role?	

PART 5f – PROTOCOL FOR MEMBERS ON OUTSIDE BODIES

<p>How will you represent the council in the role?</p>	
<p>How will you add value to the outside body in your role?</p>	
<p>How would you report to the council on your activities in the role?</p>	
<p>What other outside bodies do you sit on?</p>	
<p>Will you be able to attend all (or nearly all) of the meetings that you will be expected to attend?</p>	

PART 5f – PROTOCOL FOR MEMBERS ON OUTSIDE BODIES

The core competencies for members representing the council on outside bodies are:

- (i) Is generally available to attend meetings of the outside body
- (ii) Attends all meetings where circumstances permit
- (iii) Has an understanding, underpinned by appropriate experience or knowledge, of the purpose and work of the outside body
- (iv) Understands their role as the council's representative, including the need to represent the council as a whole
- (v) Uses their role on the outside body to champion the interests of the people of Fylde, insofar as this is consistent with any other duty
- (vi) Regularly reports on their work with the outside body to all members of the Council
- (vii) Knows the procedure for dealing with conflicts between their own interests, those of the Council and those of the outside body
- (viii) Has appropriate understanding of any regulatory framework that affects the outside body
- (ix) Has the skills needed to properly fulfil his or her role in the outside body
- (x) Informs the Council Leader if they are unable to continue to fulfil the competencies

I consider that I fulfil (or will fulfil) the core competencies for representing the council on the outside body named above and would be willing to accept a nomination to do so.

Name

Date

PART 5G – PROTOCOL FOR PLANNING APPEALS
Effective from 20 July 2020 <u>May 2023</u> Approved by Council on 20 July <u>XX Month</u> 2020 <u>2023</u>

Background

The role of planning officers is to **advise** planning committees, who in turn are entitled to reach their own decisions by attaching different weight to the various planning criteria that are relevant to the determination of an application. Planning committees are, therefore, perfectly entitled not to follow the advice of officers. However, the committee must ensure that their decision is based upon sound planning grounds.

In the event that planning permission is refused or granted subject to the imposition of planning conditions that an applicant considers to be unreasonable, the applicant has the right of appeal against the council's decision. Less frequently, a planning inquiry may be held where the council is minded to approve a planning application, but the Secretary of State has invoked his power to 'call in'¹ an application for his own determination. Planning appeals are heard by the Planning Inspectorate which is an independent arm of government

Normally planning officers will prepare and present the council's case in any appeal. There may, however, be occasions when the decision of the council is not in line with the professional judgement of planning officers and in these circumstances the Council's officers are not able to represent the council at an appeal. This is because, at an appeal hearing or inquiry, a planning officer would be both expected by the planning inspector and required by the provisions of the Royal Town Planning Institute's Code of Professional Conduct, to give their professional opinion on the development proposal.

This protocol is intended to provide guidance to officers and members in circumstances where:

- Circumstances change between the determination of the planning application and the determination of the appeal,
- Council planning officers are unable to represent the Council due to potential conflict with their professional code of conduct,
- A local member's view is contrary to that of the council as a whole.

This protocol should be read alongside the Officer/Member Code of Conduct and the Officer/Member Protocol.

The Appeal Process

Appeals may be heard by public inquiry, informal hearing or written representations depending upon the complexity of the case¹. The decision by which method a particular appeal will be determined is for the Planning Inspectorate to determine, however, before making this decision, the Inspectorate normally consult with interested parties. The council's constitution delegates authority to respond to any such consultations to the [Head of Planning](#) ~~Director of Development Services~~².

In the event that the Committee decision is in line with the officer recommendation, the appeal case will normally be prepared and presented by council planning officers with specialist assistance brought in as necessary (for example, to assist in viability appraisals or specialist retail impact matters).

¹ S.77 of the Town and Country Planning Act 1990

² Para 4.4 Part 3 FBC Constitution – July 2017

In these circumstances officers will be acting on behalf of the council and elected members would not be expected to be involved in the detailed preparation or presentation of the council's case.

The appeal process allows interested parties to make their views known to the planning inspector responsible for determining the appeal. If an individual member wishes to make specific comments in regard to an appeal, they may do so as a private individual or as a member of the council.

Changes in Council's case

The Planning Practice Guidance (PPG) encourages appellants to continue to discuss their proposal with the local planning authority after an appeal has been lodged. As a result of such discussions the application originally considered by the Planning Committee may be amended or additional information may be presented by the appellant that results in one or more reasons for refusal 'falling away' as they are no longer relevant to the council's case.

Such discussions will often take place right up to the opening of the hearing or public inquiry and may even take place alongside the event.

- 1. In circumstances where the evidence indicates that the council's case should be amended, The Head of Planning & Housing (or the Head of Governance, as appropriate) will, following consultation with the Chairman and Vice Chairman of the Planning Committee, notify the Planning Inspectorate and members of the Planning Committee of any amendments to the council's position as soon as practically possible.**

Any individual member who does not agree with the council's amended case will be able to make their own views known to the Inspector.

Decision Contrary to Officer Recommendation

The council's constitution advises that, in making decisions on planning applications and planning matters, "*members should not normally take a decision contrary to the officers' recommendation without adjourning for a few minutes so that the reasons for the proposed decision can be discussed and then agreed by the committee and, where there is concern about the validity of reasons, considering deferring the decision to another meeting to have them tested and discussed*"³;

This is a practice that has been followed at Fylde for many years and so should continue. Where the Chairman considers that there is a potential that a decision could be made contrary to recommendation he should raise this possibility at the Chairman's briefing to allow officers time to consider the possible scope of reasons for refusal. Similarly, where a member of the committee has concerns about the suitability of a proposed development, he or she should seek to discuss those concerns with the case officer or senior planning officers ahead of the committee meeting in order that those concerns may be fully considered.

In the event that a decision is made contrary to the advice of planning officers and is then challenged by an appeal, it will usually be necessary for special arrangements to be made regarding that appeal to prevent conflict with the RTPI's Code of Professional Conduct.

³ Para 10.7 – Member/Officer Protocol for Planning

The Royal Town Planning Institute Code of Professional Conduct

The RTPI requires that Chartered Town Planners exercise their professional judgement in accordance with the Code of Professional Conduct (the Code)⁴. In particular:

- Members [of the RTPI] must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding.
- Members [of the RTPI] must not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions, nor knowingly enter into any contract or agreement which requires them to do so.

In addition to the requirements placed on individual chartered town planners, the Code also requires those members who, as managers, have responsibility for the work of an organisation engaged in planning work, to take all reasonable steps to ensure that planning matters in the organisation or body are conducted in accordance with the Code⁵.

Defending Appeals – All methods of determination

In the event that planning permission is refused, or a planning condition is imposed, contrary to the professional judgement of planning officers, the Code prevents planning officers representing the council at any subsequent planning appeal.

The RTPI Code of Conduct only extends to professional views. Accordingly, the administration of appeals and the presentation of background policy and factual information may still be provided by the planning service. However, in such circumstances the council's appeal case will be overseen by the council's legal team.

2. In order to avoid any conflict with the RTPI code of conduct, in circumstances where a decision is made contrary to the recommendation of planning officers, appeals will be overseen by the Head of Governance.

The appeal process includes a significant level of administration as it is important that copies of the planning file on which the council's decision was made are passed to the appellant and the planning Inspectorate. There is also a need to notify those who were informed of the original application, including residents, Parish/Town Councils, and other consultees. The support staff in the Development Management team will undertake this work irrespective of the nature of the decision.

In relation to all three procedures, planning officers will take responsibility for submitting the appeal questionnaire, the statement of case and any other documentation required. However, it is important that these fully and accurately represent the basis of the decision made by members. This will be simpler to achieve if the decision, with reasons, are clearly set out in the minutes.

Planning Inspectorate guidance states:

“The local planning authority's reasons for refusal should be clear and, where the Committee's decision goes against the planning officer's recommendation, it is good practice for the reasons for this to be stated clearly in the Committee minutes.”

⁴ Para 11 & 12 RTPI Code of Professional Conduct – February 2016

⁵ Para 20 RTPI Code of Professional Conduct – February 2016

Recent case law suggests that this is more than “good practice” and is a legal requirement, other than where reasons can be inferred from the officer report.

Officers will provide advice and support towards making the best possible case in setting out the council’s appeal case.

Defending appeals –representations in writing

Most planning appeals are decided by the written representations procedure. With this procedure the Inspector considers written evidence from the appellant, the LPA and anyone else who has an interest in the appeal. The site is also likely to be visited.

In the event that the Planning Inspectorate determines that an appeal will be determined by written representations, the Proposer and Seconder of the motion will be contacted on receipt of the appeal and asked to set out the scope of the case that they wish the council to present on the appeal. Planning Officers will be able to provide the necessary contextual and policy background and will be able to assist members in the format that their statement should take. However, as the RTPI Code of Conduct prevents planning officers from making or subscribing to any statements or reports which are contrary to their own bona fide professional opinions, the responsibility for preparing the statement will rest with members, assisted by the council’s legal team.

Officers will draft the Statement of Case under this instruction, and will do so in a timescale that allows a reasonable opportunity for the Chairman, Vice-chairman, Proposer and Seconder to review, suggest amendments, and agree the wording of the Statement before it is submitted. Members will recognize that the Planning Inspectorate works to fixed deadlines and so will need to commit to respond in a timely manner.

Defending appeals – representation at inquiries or hearings

If an appeal is to be determined by way of an informal hearing, the Head of Planning & Housing will consider whether a planning officer can present the Authority’s case. If a planning officer is unable to speak with conviction and in support of the decision made by Members the Chairman and Vice Chairman will be notified, as soon as practically possible after the receipt of the appeal. Where officers are not to be involved in leading the appeal, the Head of Governance will discuss alternative approaches with the Chairman of the Planning Committee. In some cases, it may be practical to appoint a planning consultant to present the Council’s case. In other cases it may be appropriate for a member or members to present the Council’s case. This role could be taken by the Chairman of the Committee or by a member who proposed or seconded the motion. The nature of informal hearings is such that it will rarely be appropriate to appoint a legally qualified advocate to present the Council’s case.

If an appeal is to be determined at a public inquiry, the Council will generally have legal representation. However, for reasons explained, it may be difficult for officers to give evidence on planning merits where the decision is against their recommendation. Again, the options are calling on a planning consultant to give evidence or calling on the Chairman or other members.

If members are to be called as witnesses, officers will give them all reasonable support. Officers will arrange a meeting with the members involved to offer guidance and support, go through the planning application and inquiry procedure in detail and answer any queries or concerns that Members may have. At the hearing itself, members will be accompanied by a legal or planning officer.

3. Where planning officers are not to be involved in leading the appeal, the Head of Governance will discuss alternative approaches with the Chairman of the Planning Committee. The decision whether to appoint external consultants to present the council's case will be made by the Head of Governance following consultation with the Chairman of the Planning Committee.

In order to ensure the council is able to meet the tight deadlines imposed by the appeals process and to ensure compliance with the council's procurement rules, a list of approved consultants who have been pre-vetted will be maintained. In the event that it is necessary to appoint a consultant to represent the council at an appeal, each individual or company on the agreed list will be approached to establish whether they are able to represent the council. In the event that interest is shown by more than one company, the decision regarding which company to use will rest with the council's Head of Governance having regard to cost and quality as set out in Fylde Council's 'Guide to Buying for the Council'.

4. An approved list of planning consultants will be maintained by the council. In the event that it is necessary to appoint a consultant to represent the council at an appeal, each individual or company on the agreed list will be approached to establish whether they are able to represent the council. The decision regarding which company to use will rest with the council's Head of Governance having regard to cost and quality.

If members are to present the Council's case, officers will give them all reasonable assistance. Prior to the date of the hearing, officers will arrange a meeting with the members involved to offer guidance and support, go through the planning application in detail and answer any queries or concerns that Members may have. At the hearing itself, Members will be accompanied by either a legal officer, planning officer or a planning consultant, although it must be noted that the planning officer will not be able to make representations in regard to the merits of the council's case at the hearing,

5. Planning officer support will relate to procedural matters and to resisting any application for costs, with advice to members on technical and policy matters if the need arises. Planning officers will not give evidence on the merits of the case. Officers, or a planning consultant, will also accompany members on any site visit that the Inspector may wish to make.

Defending appeals in difficult cases

Whilst officers fully respect the role and responsibility of elected members in the decision-making process, there may be occasions when the prospects of success are so bleak that the better course would be not to defend an appeal. The costs of defending an appeal can be substantial, and members and officers need to pay heed to the risk of an adverse award of costs.

The Planning Inspectorate has published detailed guidance on when an award of costs against a local authority may be appropriate⁶. Examples given include:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- failure to produce evidence to substantiate each reason for refusal on appeal

⁶ www.gov.uk/claim-planning-appeal-costs

- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

6. If officers' professional view is that appeals should not be defended, whether by reason of potential costs or otherwise, they are obliged to give their professional advice and recommendation, and the Planning Committee would be invited to make a decision, if necessary at a special meeting of the Planning Committee.

It is likely that reports to members in these circumstances would be taken as "Part 2" items, and that any consultation would be on a confidential basis, to avoid prejudicing the Council's position should members nevertheless decide to defend the appeal.

This issue is not necessarily confined to occasions on which members have made a determination against officer advice.

Individual Member View Contrary to that of the Council

When an appeal is lodged, members who represent that ward are notified of the appeal by email. This allows them to make individual representations should they wish.

There may be circumstances where the opinions of an individual councilor are at variance with the decision of the council.

7. In circumstances where a member's view differs to that of the council and he or she wishes their individual views to be taken into consideration by a planning inspector, they may do so in writing or by appearing at an informal hearing or public inquiry. Whilst council planning officers will be able to provide advice or guidance to individual members, they will not be able to divulge information relating to the council's case that is not available to the general public.

ⁱ Appeals may be determined by one of three processes: written representations, informal hearings or public inquiries

Written representations

This is the method used for the determination of the majority of planning appeals. In this type of appeal, the inspector reaches a decision based on written submissions from the applicant, the local planning authority and any objectors. A simplified method is used for the determination of applications relating to householder development (residential extensions), advertisements and minor commercial (shop front) appeals.

Informal hearings

If an informal hearing is called, evidence for and against the development is given orally, but in a less formal setting than at a public inquiry, with the inspector leading a round table discussion to consider the merits of the proposal.

Public inquiries

These are the most formal and adversarial of the three options. Over the course of an inquiry, the inspector takes oral evidence from anyone with a vested interest in the development, or who wishes to express a view. The inspector also takes any written submissions into account when making the final decision.

PART 7 – OFFICERS’ MANAGEMENT STRUCTURE
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Effective from 249 May 2023 20 May 2015 ————— Approved by Council on X30 March 2015
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The highest officer level organisational structure of the Council ~~comprises the~~ ~~nsists of~~ the Chief Executive, Deputy Chief Executive and Chief Financial Officer ~~and two Directors~~. The structure, with the responsibilities of each officer is set out below:

Chief Executive	
Corporate Planning and Performance PR and Communications HR and Organisational Development	
<u>Chief Executive</u> Director of Development Services	<u>Deputy Chief Executive</u> Director of Resources
<ul style="list-style-type: none"> Development management and enforcement Forward planning Building control NLPG / GIS / Land charges Conservation and climate change Strategic housing Asset management and concessions Car parks and transport engineering Technical services and coastal defences Economic development, tourism and events Leisure management and cultural services Cemetery and crematorium Grounds maintenance Parks development Private sector housing and homelessness <u>Head of Planning</u> <u>Head of Technical Services</u> <u>Head of Regeneration and Projects</u> <u>Head of Parks, Leisure and Cultural Services</u> 	<ul style="list-style-type: none"> Legal support services Monitoring officer and governance Member services Electoral services Financial services Risk management Procurement Corporate health and safety Community safety and development Customer services and call centre One stop shop and tourist information centres Post room and printing ICT development and support Website, intranet and BPR development Environmental protection Emergency planning Food safety and licensing Health and safety enforcement Waste collection and recycling Street cleaning Fleet management

	Dog control Chief Financial Officer Head of Governance Head of Environmental Health and Housing Head of Corporate Services
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- 1 The Chief Executive and the [Deputy Chief Executive](#)~~directors~~ are responsible for the strategic management of the council and the performance management of the [service areas](#)~~directorates~~.
- 2 The Chief Executive is responsible for the overall corporate and strategic management of the authority as a whole. He must report to and provide information for the full council and committees. He is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.
- 3 The Chief Executive is also responsible, together with the [Deputy Chief Executive](#)~~Director of Resources~~, for keeping records of all decisions of the full council and committees.
- 4 The Chief Executive must ensure that council policies and procedures are implemented effectively and in a consistent manner. They must establish and promote the highest standards of financial management and probity in their work with members, directors, employees and external partners.
- 5 The Chief Executive, [Deputy Chief Executive and Heads of Service](#)~~and the directors~~ form the Management Team which assists the Chief Executive with the strategic and overall management of the organisation. The team is responsible for overseeing and co-ordinating the management, performance and strategic priorities of the authority within the agreed policy framework and budget. Each member of the management team takes lead responsibility for a [locality and/or](#) major elements of the authority’s business.
- [6](#) The Chief Financial Officer and the Head of Governance advise the Management Team on financial and legal matters.
- [67](#) [The Chief Financial Officer is also the council’s statutory Section 151 Officer.](#)
- [78](#) The Management Team is the key management group of the authority and has responsibility for receiving performance management information and reporting this to members.