



Meeting Agenda

**Audit Committee
Town Hall, St Annes
Monday 30 June 2008, 7:00 p.m.**

**The doors to the Town Hall will be open to the public at
6:40p.m.**

The maximum capacity for this meeting room is 60 persons –
once this limit is reached no other person can be admitted.

AUDIT COMMITTEE

MEMBERSHIP

CHAIRMAN - Councillor John Singleton
VICE-CHAIRMAN – Councillor Keith Hyde

Councillors

John Coombes	Simon Renwick
Paul Rigby	Kathleen Harper
Paul Hayhurst	Elizabeth Oades
Louis Rigby	

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CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the minutes of the Audit Committee held on 17 June 2008. As attached at the end of the agenda.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 25.3</i>	4
4. STATEMENT OF ACCOUNTS	7
5. ANNUAL ASSURANCE STATEMENT	8 – 21
6. CONSTITUTION	22 – 183

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
 - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
FINANCE	AUDIT COMMITTEE	JUNE 30 2008	4

STATEMENT OF ACCOUNTS

Public item

This item is for consideration in the public part of the meeting.

Summary

Report to follow.

Cabinet portfolio

The item falls within the following cabinet portfolio: Finance and Efficiency (Councillor Paul Rigby).

REPORT



REPORT OF	MEETING	DATE	ITEM NO
HEAD OF LEGAL SERVICES	AUDIT COMMITTEE	30 JUNE 2008	5

ANNUAL ASSURANCE STATEMENT

Public item

This item is for consideration in the public part of the meeting.

Summary

The report presents the Annual Governance Statement prepared under the CIPFA/SOLACE framework the local code of corporate governance for approval.

Recommendation/s

1. Approve the Annual Governance Statement for signature by the chairman.

Cabinet portfolio

The item falls within the following cabinet portfolio: Corporate performance, public relations and partnerships: (Councillor Albert Pounder).

Report

1. A sound system of corporate governance underpins the achievement of all the Council's corporate objectives. It is central to ensuring that the Council is a performing organisation and forms a significant element of the Comprehensive Performance Assessment (CPA) and Use of Resources assessment regimes.
2. At the last meeting of the committee on June 17, the committee confirmed its adoption of a local code of corporate governance, in line with guidance by CIPFA and SOLACE that councils should:

- develop and maintain an up-to-date local code of governance consistent with the core principles set out in the guidance, including arrangements for ensuring its ongoing application and effectiveness; and
 - prepare a governance statement each year to report publicly on how far they comply with their own code and show how they have monitored the effectiveness of their governance arrangements in the year;
3. The preparation and publication of an annual governance statement is necessary to comply with Regulation 4(3) of the Accounts and Audit Regulations 2003, which requires authorities to prepare a statement of internal control in accordance with “proper practices”. The CIPFA/SOLACE guidance identifies the production of an annual governance statement in accordance with the guidance as “proper practices”.

Summary of the local code

4. According to the CIPFA/SOLACE guidance, “governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities”.
5. The council’s code adopts the following six core principles from the CIPFA/SOLACE guidance which underpin the council's system of governance
- Focussing on the purpose of the authority and on outcomes for the community including citizens and service users and creating and implementing a vision for the local area
 - Members and officers working together to achieve a common purpose with clearly defined functions and roles
 - Promoting the values of the authority and demonstrating the values of good governance through behaviour
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
 - Developing the capacity and capability of members to be effective and ensuring that officers – including the statutory officers - also have the capability and capacity to deliver effectively
 - Engaging with local people and other stakeholders to ensure robust local public accountability.
6. The code requires the Council to:
- consider the extent to which it complies with the above six core principles and requirements of good governance set out in the Framework;
 - identify systems, processes and documentation that provide evidence of compliance;

- identify the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified;
- identify the issues that have not been addressed adequately in the authority and consider how they should be addressed;
- identify the individuals who would be responsible for undertaking the actions required and plan accordingly.

7. The Local Code describes the arrangements that have been or are being established within the Council to comply with the requirements and these are summarised below.

Annual Governance Statement

8. Under each core principle, the code identifies a series of sub-principles, which in total provide a 63-point checklist. The Corporate Governance Group, consisting of the chief executive, the section 151 officer, the head of internal audit, the monitoring officer and the executive manager for democratic services and member support and the chief internal auditor, or the nominee of each such officer, has conducted a detailed self-assessment of the council's governance against this checklist.
9. The council must publish the results of this self-assessment, including any significant non-compliance issues, as part of its Annual Governance Statement alongside the annual accounts.
10. The governance statement is attached to this report and is presented for approval by the committee. It will, if approved, be signed by the chairman of the committee, the council leader, the chief executive, the section 151 officer and the monitoring officer.
11. The Corporate Governance Group will draw up an action plan for future approval by the committee to meet the weaknesses identified in the governance statement

IMPLICATIONS	
Finance	The Code of Corporate Governance is a key component of the council's commitment to sound financial systems.
Legal	The preparation of a code of governance and an annual governance statement complying with the CIPFA/SOLACE guidance is effectively a legal requirement under the Accounts and Audit Regulations 2003.
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	Good risk management is crucial to proper corporate governance, as the code and the CIPFA/SOLACE guidance make clear.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	18 June 2008	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Code of Corporate Governance	April 2008	Town Hall, St Annes
Unit assurance statements	April to June 2008	Town Hall, St Annes

Attached documents

Annual Governance Statement



ANNUAL GOVERNANCE STATEMENT

Scope of responsibility

Fylde Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the council is responsible for putting in place proper arrangements for the governance of its affairs and for ensuring that there is a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for the management of risk.

The council has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework Good Governance in Local Government. A copy of the code is on our website at www.fylde.gov.uk or can be obtained from the Town Hall, St Annes Road West, St Annes. This statement explains how the council has complied with the code and also meets the requirements of regulation 4 of the Accounts and Audit Regulations 2003 in relation to the publication of a statement on internal control.

The purpose of the governance framework

The governance framework comprises the systems and processes for the direction and control of the authority and its activities through which it accounts to, engages with and leads the community.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The governance framework has been in place at the Fylde Borough Council for the year ended 31 March 2008 and up to the date of approval of the annual report and statement of accounts.

The governance environment

Principles

The council has adopted a code of corporate governance ("the Code") and recognises that effective governance is achieved through the core principles enshrined in it. These are:

1. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles
3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
5. Developing the capacity and capability of members to be effective and ensuring that officers - including the statutory officers - also have the capability and capacity to deliver effectively
6. Engaging with local people and other stakeholders to ensure robust accountability

The council's corporate governance environment comprises a multitude of systems and processes designed to regulate, monitor and control the various activities of the authority in its pursuit of its vision and objectives. The following describes the key elements:

Constitution

The Council's constitution sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The constitution also identifies the principal obligations and functions of the council.

The constitution and its appendices clearly explain how the different elements of the council interact and work together. It sets out procedure rules to which members and officers must adhere, codes of conduct and protocols.

The constitution builds on model constitutions and guidance maintained by the Department for Communities and Local Government.

The monitoring officer has a standing obligation to keep the operation of the constitution under review and recommend any changes to help better achieve its objectives. The constitution is also presented annually to the council for re-adoption and updating to ensure that it remains relevant to its purposes.

Political structure

The council, meeting as a body, is responsible under the constitution and the Local Government Act 2000 for setting the policy framework and the budget

for the authority. It also exercises certain other functions that are reserved to it. The council appoints, and can remove, the council leader.

The council meeting also acts as a channel for executive accountability through mechanisms such as notices of motion and cabinet questions.

The authority operates a leader and cabinet form of executive comprising the council leader and seven other cabinet members. The role of the cabinet, as set out in the constitution and relevant legislation, is to be responsible for those matters not expressly reserved to the council meeting.

Meetings of the Cabinet are open to the public even when not required to by legislation, except where personal or confidential matters may be disclosed. Members of the council who are not members of the cabinet can ask questions at cabinet meetings. This helps ensure robust accountability of cabinet decisions.

Accountability of cabinet decisions is also achieved through scrutiny mechanisms, including the ability of a scrutiny committee to call-in a cabinet decision, and by the power of the full council meeting to remove the council leader.

In addition to the statutory Forward Plan of key decisions to be taken by the cabinet, the Council publishes forward plans showing non-key decisions to be taken by the cabinet and business expected to be considered by scrutiny committees, Audit Committee and the full council. Each plan gives details of when decisions are expected to be made, who will take the decision, who will be consulted before the decision is made and how representations can be made.

The Council has established four overview and scrutiny committees to assist the cabinet in policy development and review, to scrutinise decisions made by the Cabinet and analyse the performance of the Council in meeting its policy objectives and performance targets. The four committees work is co-ordinated by a Scrutiny Management Board consisting of the chairmen and vice-chairmen of the overview and scrutiny committees.

The Council's Standards Committee deals with all aspects of advice and guidance for Members on matters of conduct, ethics, propriety and declaration of interest. It also assesses, oversees and determines complaints made against Members under the Code of Conduct. The Committee presently has two independent persons, but the council intends to increase this number to four. An independent person chairs the committee and all of its sub-committees. The Committee is a point of reference for the Monitoring Officer who investigates any allegations of misconduct in accordance with agreed procedures and statutory regulations.

The monitoring and performance of the Council's assurance and governance framework is led by the Council's Audit Committee. This is a committee independent of the executive and scrutiny processes and reports directly to Council. The committee has the responsibility to ensure that the monitoring and probity of the Council's governance framework is undertaken to the highest standard and in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidelines.

Decisions on planning, licensing and other regulatory or quasi-judicial matters are taken by committees of the council in accordance with the principles of fairness and natural justice and, where applicable, article 6 of the European Convention on Human Rights. Such committees always have access to legal and other professional advice.

Officer structure

The authority implements its priorities, objectives and decisions through officers, partnerships and other bodies. Officers can also make some decisions on behalf of the authority.

The Chief Executive is designated as the head of the authority's paid service. As such, legislation and the constitution make him responsible for the corporate and overall strategic management of the authority. He is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

The Council has designated its Head of Legal Services as Monitoring Officer. The Monitoring officer must ensure compliance with established policies, procedures, laws and regulations. He must report to the full Council or cabinet as appropriate if he considers that any proposal, decision or omission would give rise to unlawfulness or maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

The Council has designated its Finance Executive Manager as the officer responsible for the proper administration of its financial affairs in accordance with Section 151 of the Local Government Act 1972. The principal responsibilities of this officer include financial management, reporting and monitoring financial information, ensuring compliance with financial codes of practice including the Accounts and Audit Regulations 2003.

Eight executive managers report to the chief executive and collectively (with the deputy chief executive) form the authority's management team. The Management Team assists the Chief Executive with the strategic and overall management of the organisation. The constitution makes it 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 major elements of the authority's business and manages a business unit.

The Management Team collectively and Executive Managers individually are responsible for securing the economical, effective and efficient use of resources as required by the duty of best value.

Powers delegated to each member of management team are documented in the constitution.

The Council maintains an Internal Audit Service, which operates to the standards set out in the 'Code of Practice for Internal Audit in Local Government in the United Kingdom'.

A Corporate Governance Group has been established to co-ordinate the receipt and actioning of reports from the various sources audit and inspection.

The group also is responsible to the Audit Committee and Management Team and to compile, maintain and monitor the Code.

Operational

The Corporate Plan establishes Fylde Borough Council's corporate priorities and reflects the Council's principal statutory obligations. Performance against the plan is supported by a performance management system.

The financial management of the authority is conducted in accordance with the Financial Regulations set out in Appendix 4 of the Constitution. The Council has in place a medium term Financial Strategy, updated annually, to support the aims of the Corporate Plan.

The Council has adopted a "Local Code of Corporate Governance" in accordance with the CIPFA/SOLACE Framework for Corporate Governance. The local code contains appropriate monitoring and reporting procedures, and can be found on the Council's website.

The Council had adopted and implemented a Corporate Risk Management Strategy, which incorporates the identification and management of existing risks to the achievement of corporate objectives in accordance with recognised standards of control assurance. A Corporate Risk Register is in place and is monitored and regularly reviewed, combined with action planning for risks identified. Appropriate employees have been trained in the assessment, management and monitoring of risks.

A corporate Risk Management Group (RMG) has been established with an effective monitoring and reporting mechanism. A member of Management Team is the nominated chair of the RMG and the executive portfolio-holder and member risk champion attend group meetings.

The authority's risk management policy requires that officers understand and accept their responsibility for risk and for implementing appropriate controls to mitigate those risks. To this end, executive managers are required to incorporate a register of risks relevant to their unit within each unit's service plan.

Internal Audit provides in its annual report an independent and objective opinion on the effectiveness and operation of the internal control framework during the year. The Internal Audit Team is subject to regular inspection by the Council's external auditors, who place reliance on the work carried out by the team.

The Council has an objective and professional relationship with external auditors and statutory inspectors, as evidenced by the Annual Audit Letter.

Council services are delivered by trained and experienced people. All posts have a detailed job description and person specification and training needs are identified through the Personal Development Appraisal Scheme.

In addition the Council has comprehensive policies and procedures in place, which provide the framework for the operation of its services and ensure that its actions and decisions are undertaken within the framework of effective internal control.

The authority has a zero tolerance policy towards fraud and corruption. The Council's Whistleblowing Policy provides the opportunity for anyone to report their concerns confidentially and enable these to be investigated impartially.

The authority is committed to working in partnership with public private and voluntary sector organisations where this will enhance its ability to achieve its identified aims. The authority's Partnership Working Protocol has been developed and is applied to ensure that appropriate governance arrangements are in place with those partnerships to ensure that aims and objectives can be achieved.

Review of effectiveness

The authority supplements the mandatory Audit Commission judgements on use of resources and direction of travel by annually assessing itself against the relevant criteria. This, together with the authority's own Performance Management Framework, provides the evidence needed to ensure a culture of continuous performance improvement.

Inherent within the review of internal control arrangements is the need to assess the extent of compliance with statutory requirements and the authority's rules and regulations, which includes not only its Financial and Contract Procedure Rules but also its Scheme of Delegation, and Codes of Conduct. In addition, the Head of Internal Audit is required to produce an Annual Report and provide an opinion on the authority's internal control system.

Fylde Borough Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The Corporate Governance Group, which comprises the Section 151 Officer, the Monitoring Officer, the Executive Manager for Democratic Services and Member Support and the Head of Internal Audit, has been given the responsibility to annually review the Corporate Governance Framework and to report to Audit Committee on the adequacy and effectiveness of the Code and the extent of compliance with it.

The review of effectiveness is informed by the work of the executive managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

The Group has also received unit assurance statements from each of the authority's directorates. These assurance statements show the extent of compliance within the unit concerned with key corporate procedures designed to embed good governance and internal control. In addition, the group has taken account of external assurance sources including the external auditor's Annual Audit Letter, Use of Resources scored assessment and interim report.

In accordance with the Accounts and Audit (Amendment) Regulations 2006, a review of the system of internal audit has been carried out by the Council's external auditors against the Code of Practice for Internal Audit in Local Government and the results reported to the Audit Committee. The review

concluded that internal audit met the appropriate professional standards required by the Code.

Internal Audit has carried out an annual programme of reviews as approved by the Audit Committee. The managers of the services and functions reviewed have each agreed actions and priorities arising from the review and the achievement of those actions is monitored on an ongoing basis by the authority's internal audit service. Any significant failure to achieve agreed actions is reported to the Audit Committee, who can require an explanation from the executive manager concerned.

The Strategic Risk Management Group has met every six weeks to review achievement of control measures in relation to strategic risks identified in the annual risk identification exercise. In addition, Internal Audit now carries out an annual review of the Risk Management Framework in accordance with the terms of the Risk Management Policy.

We have been advised on the implications of the result of the review of the effectiveness of the governance framework and system of internal control by the Audit Committee, and a plan to address weaknesses and ensure continuous improvement of the system is in place.

Significant governance issues

Issue 1: Effective corporate arrangements should be in place to deal with complaints and failures in service delivery. Though specific complaints and service failures are addressed on an ad-hoc basis, there is no system that provides corporate management information on them.

Proposed action: *Develop and embed a corporate complaints system.*

Issue 2: The authority should measure the environmental impact of policies, plans and decisions. Present decision-making procedures do not include a stage where such impacts are expressly considered.

Proposed action: *Include an evaluation of environmental impact in the committee reporting template.*

Issue 3: The authority should have a protocol to ensure that the leader and chief executive maintain a shared understanding of roles and objectives. Though such a shared understanding exists, the arrangements are not formalised in any document.

Proposed action: *Develop a protocol to describe and formalise the current arrangements.*

Issue 4: A senior officer (usually the Monitoring Officer) should be made responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.

Proposed action: *Include such responsibility in the job description of the Head of Legal Services and Monitoring Officer under the new management arrangements.*

Issue 5: When working in partnership or acting as nominee of the authority on external bodies, members should be clear about their roles and

responsibilities both individually and collectively in relation to the partnership and to the authority. However, members may not in all cases have been given guidance about how to reconcile their role in a partnership with their responsibility to the authority.

Proposed action: Develop guidance for members about their responsibilities within partnerships or acting as nominee of the authority on external bodies, especially as participants such bodies as trusts and companies.

Issue 6: The authority has arrangements in place to ensure employees are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. It should also operate processes to ensure such arrangements continue to operate effectively. Presently the job descriptions of executive managers do not detail this as a specific responsibility.

Proposed action: Include the responsibility to require ethical compliance within the job descriptions of directors under the new management arrangements.

Issue 7: Those making decisions for the authority or in partnership should be provided with information that is relevant, timely and gives clear explanations of technical issues and their implications.

Proposed action: Train members and officers on data quality. Put in place a data quality policy

Issue 8: Each partnership should have a set of values against which decision-making and actions can be judged. Partners should demonstrate those values both individually and collectively. Partnership agreements presently do not expressly set out such values.

Proposed action: Include a set of values in new and newly-renewed partnership agreements. Provide guidance for agreeing such values in the Partnership Protocol.

Issue 9: There should be open and effective mechanisms for recording the criteria, rationale and evidence for decisions. The present reporting template for cabinet requires such matters as alternatives considered to be set out, but those for other council bodies do not.

Proposed action: Extend the use of the new reporting template to other council bodies where appropriate.

Issue 10: The financial systems of the council have not provided easily accessible up-to-date management information.

Proposed action: Continue to provide training to budget-holders on the use of the new financial management system.

Issue 11: The staff appraisal system leading to personal development plans for all employees is not fully operational across all directorates.

Proposal: Embed the staff appraisal and personal development process throughout the Council.

Issue 12: Service Level Agreements or contracts with external providers should be in place for managing the Council Tax, Business Rates and Housing Benefits systems but these have not been agreed.

Proposed action: Ensure Service Level Agreements or specific contractual commitments are in place for all services currently provided externally and in future for any subsequently outsourced services.

Issue 13: The link between the key strategic actions that the Council will focus on as expressed in the Corporate Plan and the budget should be clear.

Proposed action: Ensure key strategic actions are matched clearly with associated budgets.

Issue 14: The statutory duty to manage the health and safety of all employees was not consistently fully embedded across all departments. Presently the job descriptions of executive managers do not detail this as a specific responsibility.

Proposed action: Enhance efforts to embed a health and safety culture across the organisation. Include the responsibility for implementation of corporate health and safety arrangements within the job descriptions of directors under the new management arrangements and actively embed council policy.

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

Signed

Leader of the Council

Monitoring Officer

Signed

Signed

Chief Executive

Section 151 Officer

Signed

Chairman, Audit Committee

REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL SERVICES	AUDIT COMMITTEE	JUNE 30 2008	6

CONSTITUTION

Public item

This item is for consideration in the public part of the meeting.

Summary

The council's constitution needs to be re-adopted by the council each year. This report highlights some proposed changes and invites the committee to recommend to the council that it formally re-adopts the constitution subject to those changes

Recommendation

1. Recommend that the council re-adopt the constitution as appended to the report, incorporating the changes highlighted in the report.

Cabinet portfolio

The item falls within the following cabinet portfolio: Corporate performance and development (Councillor Albert Pounder).

Report

Background

1. Article 14 of the council's constitution requires the Monitoring Officer to submit a fully up-to-date text of the Constitution every year to the meeting following the Annual Meeting of the Council, with a view to its formal approval and re-adoption by the Council for the ensuing Municipal Year, with any amendments or alterations then considered appropriate or necessary by the Council.
2. The constitution will therefore be submitted to the council meeting on 28 July. The committee is asked to examine the changes proposed to be made and recommend to

the council that the changes (or such other changes as it considers appropriate) be incorporated in the constitution.

3. Attached is a copy of the constitution incorporating the proposed changes. The changes which have a substantive effect are set out and explained below. Other changes have been made to correct typographical and similar errors.

Proposed changes: General

4. On page 7, in the second bullet point under “Citizens rights” and on page 11 in article 3.01(d)(iii), delete “Standards Board for England” and replace by “Standards Committee”.

REASON: To reflect the change in legislation.

5. On page 14, in article 5.03, delete “Conducting the meetings of the council to” and replace by “Ensuring that meetings of the council”.

REASON: To make the document less verbose and easier to read.

6. On page 16, delete article 6.04(a)(iii).

REASON: This referred to formal Best Value reviews, which have now been abolished.

7. On page 17, in article 6.04(a)(vii), delete “such persons or bodies”.

REASON: This wording was left in inadvertently and should have been removed following the insertion of “them” on a previous review.

8. On page 18, in article 7.02 and 7.04, delete “seven” and replace by “six”.

REASON: The council leader wishes to reduce the size of the cabinet.

9. On page 20, in article 9.02(a), delete “one” and replace by “two” and make consequential changes.

REASON: To reflect legislative changes that require the Standards Committee to have at least two parish members.

10. On page 20, in article 9.02(d), delete “An Executive Member may not chair the Committee” and replace by “Only an Independent Member may chair the Committee or any of its sub-committees”

REASON: To reflect legislative changes in relation to the Standards Committee.

11. On page 20, insert a new paragraph (g) into article 9.03 as follows: “assessing complaints received about the conduct of councillors and co-opted members to decide whether or not to refer them for investigation or some other action”.

REASON: To reflect the new function given to standards committees under the Local Government and Public Involvement in Health Act 2007.

12. On page 23, insert a new sub-paragraph (ii) into article 11.03(b) as follows: “receives allegations of misconduct by councillors or co-opted members”

REASON: To reflect the new function given to the monitoring officer under the Local Government and Public Involvement in Health Act 2007.

13. On page 23, in article 11.03(b)(iv) (as renumbered), delete “an ethical standards officer” and replace by “the Standards Committee”.

REASON: To reflect the new function of local assessment given to standards committees under the Local Government and Public Involvement in Health Act 2007.

14. On page 26, in article 14.06, insert the words “recommendation from the Audit Committee or a” after “consideration of a” and on page 38, in the functions delegated to the Audit Committee, insert the words “advising the council on changes to the constitution”.

REASON: To allow the Audit Committee to bring forward recommendations for changes to the constitution.

15. On page 27, in article 15.02(c), delete “the council tax base” from the definition of the budget.

REASON: Setting the council tax base is no longer required to be done at a full council meeting and the council has delegated it to its Finance Executive Manager.

16. On page 35, in the functions delegated to the Public Protection Committee, delete references to powers under the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.

REASON: These acts were repealed by the Gambling Act 2005.

17. On page 37, in the functions delegated to the Licensing Committee, insert the words “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”.

REASON: The Gambling Act 2005 requires or permits its various functions to be delegated only to an authority’s licensing committee.

18. On page 37 in the functions delegated to the Audit Committee, insert the words: “Approving the council’s annual statement of accounts”.

REASON: To reflect legislative changes that allow the statement of accounts to be approved by Audit Committee.

19. On page 37 in the functions delegated to the Audit Committee, delete “statement of internal control” and replace by “annual governance statement”.

REASON: The updated mandatory governance framework replaces the statement of internal control with an annual governance statement.

20. On page 40, in the chief executive’s delegations, insert a new 1.19 as follows: “In relation to chief officers and staff in his own private office, approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, (to be produced by the Human Resources Manager) and approving `added years` for Superannuable employees and all other superannuable matters.”

REASON: To align the powers of the chief executive in relation to the matters mentioned with those delegated to chief officers.

21. On page 41, in section 3.1 of the delegations to all executive managers, delete “Determining and approving” and replace by “Implementing” and insert the words “in accordance with the council’s pay and grading procedures and” after “chief officer conditions”.

REASON: Executive managers are now required to set the grading of new and existing posts in accordance with corporate pay and grading procedures.

22. On page 42 in the delegations to all executive managers, insert the words “Authorising directed surveillance operations under the Regulation of Investigatory Powers Act 2000 (except Head of Legal Services)”.

REASON: All executive managers (except the Head of Legal Services) are designated as authorising officers under the Regulation of Investigatory Powers Act 2000. The change records this in the constitution.

23. On page 43 at 5.2, insert the Animal Boarding Establishments Act 1963 into the list of legislation in respect of which functions are delegated to the Executive Manager for Consumer Well-being and Protection.

REASON: To enable the executive manger to exercise delegated powers under that act.

24. On page 43-4 at 5.2, remove the following legislation from the powers delegated to the Executive Manager for Consumer well-being and Protection and insert it instead into the powers delegated to the Executive Manager for Streetscene Services: Dogs Act 1906, Guard Dogs Act 1975, Road Traffic Act 1988 (in relation to dogs on roads), Dangerous Dogs Act 1991, Dogs (Fouling of Land) Act 1996 and part VI (dogs) of the Clean Neighbourhoods and Environment Act 2005.

REASON: The council’s dog warden service is part of the Streetscene unit.

25. On page 46, in the delegations to the Executive Manager for Consumer Well-being and Protection, insert the words “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”.

REASON: To give licensing officers more flexibility in carrying out their enforcement role.

26. On page 51, in the delegations to the Executive Manager for Streetscene Services, insert the words “Power to make orders under section 21 of the Town Police Clauses Act 1847 for preventing obstructions in the streets during public processions, etc”.

REASON: The police often request the council to make such orders on very short notice.

27. On page 52, at 10.8 of the delegations to the Finance Executive Manager, delete “£5,000” and replace by “£25,000”.

REASON: To enable the Finance Executive Manager to take the technical accounting step of writing-off debts up to this sum where they appear to be irrecoverable in practice. This would not affect the legal recoverability of a debt by action.

28. In the table on page 55, amend the title of the cabinet member (customer relations and partnerships to “cabinet member (corporate performance, customer relations and partnerships)”, delete reference to cabinet member (corporate performance), and amend the portfolio functions of the former to include those previously allocated to the latter.

REASON: The Leader of the Council has redistributed portfolio functions in the cabinet. [N B. This change is within the remit of the Leader and is mentioned here for information only].

Council Procedure Rules

29. The Council Procedure Rules, or standing orders, appear at pages 58-70 of the proposed revision. They have been extensively re-written to make them clearer and more accessible. Members and officers should hopefully find them much easier to follow. For the sake of brevity, I have not individually listed the vast majority of the changes, which do not affect the substance of the rules. The small number of changes that do affect the substance of the rules are noted below.
30. **Rule 11.2: Notice of motion:** The present rules require notice to be given no later than seven clear working days before the meeting concerned. This allows very little time to comply with the legal requirements for production of agendas and publication of reports. A notice submitted after the deadline would be invalid.
31. The proposed changes would require a notice of motion to be given ten working days before a meeting. A notice not submitted in time would not lapse, but would automatically be rolled forward to the next meeting.
32. Under the present rules a motion by notice, once moved and seconded, is automatically referred to the cabinet or appropriate committee for consideration unless the Mayor considers it “convenient and conducive to the dispatch of business” to deal with it at the council meeting.
33. The proposed change would take the onus for making that decision away from the Mayor. If the proposer of the motion asked for it to be discussed at the council meeting, the council would vote on whether to hear it at the meeting. If the council decided not to hear it at the meeting, it would stand referred as before.
34. **Rule 13.5: Speaking about a motion:** The present rules allow each member to speak for up to ten minutes on a proposal or amendment. The proposed change would reduce this to five minutes in keeping with the majority of other Councils.
35. **Rule 15.7: Voting on appointments:** This rule required the council, when voting on the appointment of an individual to a post or position, to operate an elimination system of voting, in which the person with the smallest number of votes was eliminated and voting took place again until there was a clear majority in favour of one candidate. In practice, the rule seems always to have been suspended in favour of a simple “most votes wins” approach. The proposal is to delete the rule.
36. **Rules 6.6 to 6.8: Deputy Mayor:** These new rules would allow the Mayor to ask the Deputy Mayor to conduct a council meeting on his behalf, even if the Mayor is present. When doing so, the Deputy Mayor would exercise the authority of the Mayor.

Financial Procedure Rules

37. The previous financial regulations are proposed to be removed and replaced. The new regulations, set out in appendix 4 starting on page 83 are identical, in nearly every material respect, to those of Preston City Council. The council's section 151 officer and high-level financial management are provided through an agreement with Preston. The section 151 officer considers that there would be substantial advantages in aligning the financial procedure rules of the two authorities.

Cabinet procedure rules

38. Though contained within the constitution, the Executive Procedure Rules are set by the Cabinet and cannot be amended by the council meeting. The proposed changes to the cabinet procedure rules are therefore set out for information and possible comment to the cabinet. The two changes are described below.

39. On page 115, at 2.2.3, the cabinet procedure rules are amended to provide for members asking questions under the relevant procedure to do so from the cabinet table and to ask a supplementary question.

40. Proposed rules 2.3.1 and 2.4 on pages 115 and 116 introduce a procedure for members of the public to speak about any matter on the agenda of a cabinet meeting.

IMPLICATIONS	
Finance	None
Legal	Article 14 of the constitution requires the constitution to be submitted for re-adoption to the annual meeting of the council
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	17 June 2008	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Council constitution	July 2007, as amended	Town Hall, St Annes www.fylde.gov.uk

Attached documents

Proposed revised constitution



FYLDE BOROUGH COUNCIL

CONSTITUTION OF THE COUNCIL

prepared and adopted by the Council pursuant to Section 37 of the Local Government Act 2000 on 23 July 2007

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Summary and Explanation

The Council's Constitution

In accordance with Section 37 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 16 Articles. These 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 [Appendices](#) to the Constitution.

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 16 explain the rights of citizens and how the key parts of the Council operate.

How the Council Operates

The Council is composed of 51 Councillors. Councillors are 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 Council's [Standards Committee](#) trains and advises them on these issues.

The Council operates a Leader and Cabinet form of [Executive](#) in accordance with the [Local Government Act 2000](#).

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 an [Executive Leader](#) of the Council.

How Decisions Are Made

The Executive is the part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Executive Leader and a number of other Councillors, known as [Executive Members](#).

When [key decisions](#) are to be discussed or made by the [Executive](#), these are, in so far as they can be anticipated, listed in a [Forward Plan](#) regularly published on behalf of the Executive. If these key decisions are to be discussed with Council [officers](#) at a meeting of the

Executive, this will generally be open for the public to attend, except where personal or confidential matters are discussed.

The Executive has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the [budget or policy framework](#) laid down by the Council, this must be referred to the [full Council](#) for it to decide.

Overview and Scrutiny

There are four overview and scrutiny committees, called [Scrutiny committees](#), which support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations that advise the [executive](#) and the Council as a whole on its policies, budget and service delivery.

The Scrutiny committees also monitor the decisions of the executive. They can '[call-in](#)' a decision that has been made by the executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the executive or full council reconsider the decision. Scrutiny committees also have an important role in developing policy.

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their ward Councillor about any matters of concern to them;
- obtain a copy of this Constitution;
- attend [meetings of the Council](#) and its Committees and the executive and its committees, except where personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of executive;
- Complain to the Council through the council's contact procedure.
- Complain to the [Ombudsman](#) if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own contact procedure;
- Complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's [Code of Conduct](#);
- Inspect the Council's accounts and make their views known to the [external auditor](#).

- Inspect agendas and reports and attend meetings as set out in [Article 3](#) of this Constitution.
- contribute to investigations by the [Scrutiny committees](#) where they invite public views;
- find out, from the Executive's [Forward Plan](#), what [key decisions](#) are to be discussed by the [Executive](#) or decided by the Executive or [Officers](#), and when; and
- see reports and background papers and records of decisions made by the Council and the Executive

The Council encourages interest by local citizens in its work. Anyone requiring further information or assistance is welcome to enquire at any of the council's public counters, either by personal visit or by telephoning 01253 608585 or to visit the Council's web site at www.fylde.gov.uk.

Articles of the Constitution

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 The Constitution

This Constitution, including all its Schedules, is the Constitution of Fylde Borough Council for the purposes of Section 37 of the [Local Government Act 2000](#).

1.03 Purpose of the Constitution

The purpose of this Constitution is to:

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

1.04 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 14](#).

Article 2 – Members of the Council

2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 51 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 Commission and approved by the Secretary of State.¹

- (b) **Eligibility.** Only registered voters of the Borough of Fylde or other persons living or working there are eligible be Councillors².

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 2003. The terms of office of Councillors starts on the fourth day after being elected and finishes 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 advocate of and for their communities;
- iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- iv) balance different interests identified within the ward and represent the ward as a whole;
- v) be involved in decision-making;
- vi) be available to represent the Council on other bodies; and
- vii) maintain the highest standards of conduct and ethics.

- (b) **Rights and duties**

- i) Councillors have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- ii) Councillors 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 [Appendix 5](#) to this Constitution.

2.04 Conduct

Councillors must follow the [Members' Code of Conduct](#) and the [Protocol on Member/Officer Relations](#) set out in Appendices 6 and 9 to this Constitution.

¹ Words deleted following council meeting of 23 July 2007.

² ditto

2.05 Allowances

Councillors are entitled to receive allowances under the Members' Allowances Scheme set out in [Appendix 10](#) to 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 [appendix 5](#) to the constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the Borough may vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) **Information.** Citizens may:
 - i) attend [meetings of the Council](#) and its Committees and of the Executive and its committees except where [confidential](#) or [exempt](#) information is likely to be disclosed, and the meeting is therefore held in private;
 - ii) find out from the [Forward Plan](#) what key decisions will be taken by the Executive and when;
 - iii) see reports and [background papers](#), and any records of decisions made by the Council and the Executive; and
 - iv) 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:
 - i) contribute to investigations by Scrutiny committees into any matters relating to the Council's functions or its community leadership role where they invite the public to express views or comments;
 - ii) participate in committee meetings if permitted by the council procedure rules.
- (d) **Complaints.** Citizens may complain to:
 - i) the Council itself under its contact procedure;
 - ii) the [Ombudsman](#) after using the Council's own contact procedure;
 - iii) the Standards Committee about a breach of the [Members' Code of Conduct](#).

Citizens' rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in [Appendix 5](#) to this Constitution.

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 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, for the purposes of public consultation in accordance with regulation 10 of the Town and Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of or alterations to, or the replacement of, a Development Plan;
- (d) 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
- (e) subject to the urgency procedure contained in the [Budget and Policy Framework Procedure Rules](#) in Appendix 5 to this Constitution and to any delegation arrangements which the Council may have made under Section 101 of the Local Government Act 1972, making decisions about any matter in the discharge of an [executive function](#) which is covered by the policy framework or the budget in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (f) appointing and removing the [Executive Leader](#);
- (g) changing the number of members who will comprise the executive;
- (h) establishing Committees of the Council, agreeing and amending their terms of reference and their composition and making appointments to or removing members from them;
- (i) adopting, amending or revoking a [Members' Allowances Scheme](#);
- (j) changing the name of the Borough or conferring the title of Honorary Alderman or the freedom of the Borough;
- (k) confirming the appointment of the [head of the Council's paid service](#);
- (l) 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 [Appendix 2](#) to this Constitution);
- (m) All of the Council's functions relating to elections, as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- (n) 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 and which is the responsibility of the Council rather than of the [Executive](#);
- (o) all other matters which, by law, must be reserved to the [full Council](#).

4.02 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.

A full list of all the other functions that are the responsibility of the Council is contained in [Part A of Appendix 2](#).

4.03 Meetings of the Council

There are three types of Council meeting:

- (a) Annual Meetings;
- (b) Ordinary Meetings; and
- (c) Special Meetings.

The Council Procedure Rules in [Appendix 3](#) apply to all meetings of the council.

4.04 Responsibility for functions

Except as provided in [Article 4.01](#), 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. Parts B and C of [Appendix 2](#) to 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.

Article 5 – The Mayor

5.01 Role and functions of the Mayor

The Mayor has the following roles and functions:

- (a) **First Citizen.** The Mayor has precedence in and is the first citizen of the Borough.
- (b) **Promotion of the Council.** As First Citizen, the Mayor promotes the Borough and the Council as a whole and acts as a focal point for the community.
- (c) **Ceremonial matters.** The Council decides the civic and ceremonial duties that the Mayor is to carry out.
- (d) **Chairman of the Council.** The Mayor presides over [meetings of the Council](#).

The Deputy Mayor supports the Mayor in discharging his roles, functions and responsibilities including deputising in his absence.³

5.02 Election of the Mayor

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

³ Description revised following council meeting of 23 July 2007

5.03 Chairing the Council

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

1. Upholding and promoting the purposes of this Constitution interpreting its provisions and giving rulings on points of order as and when necessary;
2. 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
3. Ensuring that the Council meeting is a forum for debating matters of concern to the local community and where Councillors who are not members of the [Executive](#) can hold the Executive to account;

Article 6 – Overview and Scrutiny: Scrutiny committees⁴

6.01 The committees

The Council has four Scrutiny committees. Each Scrutiny committee is an overview and scrutiny committee within the meaning of the Local Government Act 2000. They listen to and articulate the needs of local communities and ensure that all the services of the Council are efficient and effective and meet the needs of the local community.

6.02 Terms of Reference

The committees are the Performance Improvement Scrutiny committee, the Policy and Service Review Scrutiny committee, the Community Outlook Scrutiny committee and the Planning Policy Scrutiny Committee. The Community Outlook Scrutiny Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006⁵. 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:

COMMITTEE	MATTER
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4 Article 6.06 (Audit Sub-Committee) removed as a consequence of the decision to discontinue that sub-committee and replace it with the Audit Committee, taken at the council meeting of September 25 2006

5 Sentence added following council meeting 23 July 2006

Performance Improvement	<ul style="list-style-type: none"> Monitoring the Corporate Plan, Best Value Performance Plan, Financial and Asset Management Plan, Communications Strategy, Risk Management Strategy, E-Government Strategy and CPA Improvement Plan together with any other key strategic plans for the authority Considering internal audit reports Considering Audit Commission reports and best practice reports Considering ombudsman reports Contributing to monitoring the CPA Improvement Plan process and monitoring the service delivery improvements and corporate improvements which should flow from CPA
Policy and Service Review	<ul style="list-style-type: none"> Contributing to the development of policies, plans and strategies Reviewing policies, plans, strategies, services and processes Scrutiny of decisions of the Executive and call-in powers
Community Outlook	<ul style="list-style-type: none"> Monitoring the Performance of the Local Strategic Partnership Scrutiny of partnerships Scrutiny of external organisations Considering issues of local concern Contributing to scrutiny of the powers held by Lancashire County Council Responsibility for monitoring emerging government policy Reviewing or scrutinising decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;⁶ Making reports or recommendations to the Cabinet or Council with respect to the discharge of those functions.⁷

6 Function added following council meeting 23 July 2006

7 ditto

Planning Policy	<ul style="list-style-type: none"> • Contributing to the development of the council's local development scheme and any local development document • Monitoring the effectiveness and appropriateness of the development plan, including any regional spatial strategy, structure plan, local plan or local development document, whether or not the document is the direct responsibility of the council • Allowing the views of members of the Development Control Committee to be taken into account in the above functions • Contributing to and monitoring the effectiveness of policies in relation to local economic development, regeneration and conservation matters
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There is also a Scrutiny Management Board, composed of the chairmen and vice chairmen of the four Scrutiny committees. The scrutiny management board co-ordinates work plans across the four committees to ensure a balanced workload and share good practice. The management board is not a committee of the council and cannot make any decision or recommendation other than to manage business for the scrutiny committees.

6.03 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 [full Council](#), the [executive](#), any Committee or Sub-committee, or any [Officer](#),
- iii) consider any matter affecting the Borough or its residents; and
- iv) recommend that any executive decision that has not been implemented be [reconsidered](#).

6.04 Specific functions

(a) **Policy development and review.**

Scrutiny committees may:

- i) help the Council and the [Executive](#) 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 or committees 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.

(a) **Scrutiny.**

Within its terms of reference, a Scrutiny committee may:

- i) review and scrutinise [Executive Decisions](#) and the performance of the Executive;
 - ii) review and scrutinise the Council's performance in relation to its policy objectives and performance targets and to particular service areas;
 - iii) question members of the [Executive](#) or Committees or Sub-committees 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;
 - iv) make recommendations to the Executive or any Committee or Sub-committee, the Council or any [Officer](#) arising from the outcome of the scrutiny process;
 - v) 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;
 - vi) for that purpose, request reports from them about their activities and performance and invite them to address the committee; and
 - vii) 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).
- (b) **Finance.**
- The scrutiny committees shall be responsible for any finances made available to them.
- (c) **Periodic Reports.**
- The scrutiny committees shall report periodically to the [full council](#) on their workings, programmes and methodologies.

6.05 Proceedings of Scrutiny committees

The [Overview and Scrutiny Procedure Rules](#) set out in Appendix 5 govern the workings of the scrutiny committees.

Article 7 – The Executive

7.01 Role of the Executive

The Executive is responsible for all of the Council's functions which, whether by law or under this Constitution, are not the responsibility of any other part of the Council's organisation, whether the Council itself, a Committee or Sub-committee of the Council or an Officer.

7.02 Form and Composition

The Executive is a Leader and Cabinet Executive as authorised by the [Local Government Act 2000](#). It consists of the Executive Leader together with a number of other Councillors appointed as members of the Executive by the Executive Leader. The number of other Executive Members is six unless the council decides otherwise. By law the number must be not less than two and not more than nine. The [Mayor](#) and the Deputy Mayor may not be Executive Members. An Executive Member cannot be a member of a scrutiny committee.

7.03 Executive Leader

The Executive Leader is a Councillor who is elected to the position by an ordinary or special meeting of the council. The Executive Leader holds office until he or she:

- (a) resigns from office;
 - (b) is suspended from being a [Councillor](#) under Part III of the Local Government Act 2000; or
 - (c) ceases to be a Councillor;
 - (d) is removed from office by resolution of the Council,
- whichever first occurs.

An Executive Leader who ceases to hold the office as a result of being suspended from being a Councillor may be re-appointed by the Council and resume office as Executive Leader at the end of the period of the suspension.

In the event of a casual vacancy in the office of Executive 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.

7.04 Other Executive Members

The leader appoints the other Executive Members. Every Executive Member holds office until:

- (a) he resigns from office;
- (b) he is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) he ceases to be a Councillor;
- (d) he is removed from office by the leader, who must give two days' written notice of any removal to the head of paid service; or
- (e) the leader is removed from office by a resolution of the council

whichever first occurs.

If the amount of other Executive Members in office falls below six or such other number set for the time being by the council, the leader must as soon as reasonably practicable fill any vacancy or vacancies to bring the number to that amount.

7.05 Proceedings of the Executive

The Executive may make [Executive Procedure Rules](#) to regulate its proceedings and the exercise of functions by itself or any other body or person on its behalf. Any such Rules will be set out in Appendix 5. The Executive may amend, revoke or replace them.

7.06 Responsibility for Functions

The functions of the Executive do not all have to be discharged by the full Executive, meeting as a body. The Executive Leader may:

- (a) exercise them himself; or
- (b) arrange for them to be discharged by:
 - i) the Executive;
 - ii) one or more other [Executive Members](#);
 - iii) Committees of the Executive;
 - iv) An [officer](#).

Functions which are to be discharged by the Executive may be delegated by it to Committees of the Executive or to an officer.

Functions that can be discharged by Committees of the Executive or by individual Executive Members may then be delegated by those Committees or Executive Members to an officer.

The [Executive Leader](#) can, however, remove or restrict the powers of the Executive, Executive Members or Committees of the Executive to sub-delegate.

Parts [C](#) and [D](#) of Appendix 2 to this Constitution specify which body or person currently has delegated powers to make [Executive Decisions](#).

The arrangements do not prevent the Executive or a committee of the Executive from making decisions itself if it wishes or if a matter is referred back to it.

Article 8 – Regulatory and other Committees

8.01 Regulatory and Other Committees

The Council has appointed the Committees set out in the left hand column of [Part B](#) of Appendix 2 to this Constitution to discharge the functions described opposite them in the right hand column.

In addition to the exercise of the functions specified in [Part B](#) of Appendix 2, the functions of the Development Control Committee also include making recommendations to the Council on any applications or other matters that are excepted from the Committee's delegated powers under paragraph 1 of that Part.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council has established a Standards Committee, as required by the [Local Government Act 2000](#).

9.02 Composition

- (a) **Membership.** The Council determines the composition of the Standards Committee each year. But the membership must include:
 - at least two [members of the Council](#);
 - such number of other persons (known as Independent Members) who are not members or [officers](#) of the Council or of any other local authority

or body required to have a Standards Committee and who together amount to at least one quarter of the total membership of the Committee; and

- two members of a parish/town council wholly within the council's area (parish members)

Neither the [mayor](#) nor the [Executive Leader](#) may be a member.

- (b) **Term of Office.** Members of the Committee, whether members of the Council, Independent or parish⁸ Members, hold office until they resign or are removed by resolution of the Council.
- (c) **Independent and parish Members.** All Independent and parish Members are entitled to vote at meetings of the Standards Committee and any Sub-committee of which they are members.
- (d) **Chairing the Committee**

Only an Independent Member may chair the Committee or any of its sub-committees.

9.03 Functions

The Standards Committee has the following functions:

- (a) promoting and maintaining high standards of conduct by [Councillors](#) and Co-opted Members;
- (b) assisting Councillors and co-opted members to observe the [Members' Code of Conduct](#) and the [protocol on member-officer relations](#) adopted by the Council;
- (c) advising the Council on the adoption or revision of Members' Codes Of Conduct and the [protocol on member-officer relations](#);
- (d) monitoring the operation of the Members' Code of Conduct and the [protocol on member-officer relations](#);
- (e) advising, training or arranging to train Councillors and Co-opted Members on matters relating to the Members' Code of Conduct and the [protocol on member-officer relations](#);
- (f) granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) assessing complaints received about the conduct of councillors and co-opted members to decide whether or not to refer them for investigation or some other action; and
- (h) dealing with reports from Case Tribunals or Interim Case Tribunals and reports from the [Monitoring Officer](#) on any matters referred by Ethical Standards Officers to him or her.

⁸ Reference to parish members added following council meeting 23 July 2007.

Article 10 – Joint arrangements

10.01 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.

10.02 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 [appendix 2](#).

10.03 Access to information

- (a) The Access to Information Rules in [appendix 5](#) to 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.

10.04 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](#).

10.05 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 11 – Officers

11.01 Management structure

- (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	Strategic Planning & Development Executive Manager
Consumer Well Being & Protection Executive Manager	Community & Cultural Services Executive Manager
Streetscene Services Executive Manager	Democratic Services & Member Support Executive Manager
Finance Executive Manager	Corporate Policy & Performance Executive Manager
Head of Legal Services	

- (e) **Statutory Officers.** The Council is required to designate Officers for certain specific statutory purposes. The Council has designated Officers as shown below:

Chief Executive	Head of Paid Service (Local Government and Housing Act 1989, Section 4)
Head of Legal Services	Monitoring Officer (Local Government and Housing Act 1989, Section 5)
Finance Executive Manager	Officer with responsibility for the administration of the Council's financial affairs (Local Government Act 1972, Section 151) (normally referred to as an authority's "Chief Finance Officer")

These officers have the functions described in Article 11.02–11.04 below.

- (f) **Structure.** The general structure of the Council's officer-level organisation is set out in [Appendix 11](#) to this Constitution.

11.02 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.

11.03 Functions of the Monitoring Officer

- (a) **Ensuring Lawfulness and Proper Administration.** The statutory functions of the Head of Legal Services as Monitoring Officer are to report to the Council on:
 - i) unlawful actions, proposals, decisions or omissions; and
 - ii) findings of maladministration or injustice following an “[Ombudsman](#)” investigation.
- (b) **Ethics and Standards.** The Monitoring Officer:
 - i) advises and supports the [Standards Committee](#);
 - ii) receives allegations of misconduct by councillors or co-opted members;
 - iii) receives reports on investigations carried out by Ethical Standards Officers of the [Standards Board for England](#); and
 - iv) conducts investigations into matters that are referred to him for that purpose by the Standards Committee.

11.04 Functions of the Chief Finance Officer

The statutory functions of the Finance Executive Manager as Chief Finance Officer are:

- (a) **Ensuring lawfulness and financial prudence of decision-making.** Reporting to the Council on proposals, decisions or actions which he or she considers:
 - i) will involve incurring unlawful expenditure; or
 - ii) are unlawful and will cause a loss or deficiency;or if the Council is about to enter an item of account unlawfully.
- (b) **Responsibility for the administration of the financial affairs of the Council.**

11.05 Conduct

Officers must comply with the [Officers’ Code of Conduct](#) and any [Protocol on Officer/Member Relations](#) set out in Appendices 8 and 9 respectively of this Constitution.

11.06 Employment

The recruitment, selection and dismissal of all officers or staff is governed by the [Officer Employment Procedure Rules](#) set out in Appendix 3 to this Constitution.

Article 12 – Decision-making

12.01 Responsibility for Decision-making

[Appendix 2](#) to this Constitution gives details of the persons or bodies within the Council’s organisation that have responsibility for particular decisions.

12.02 Principles of Decision-making

All decisions of the Council will be 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.

12.03 Decision-making by the full Council

The Council Procedure Rules set out in [Appendix 3](#) to this Constitution lay down the procedures to be followed by the Council when considering any matter.

12.04 Decision-making by the Executive

Any [Executive Procedure Rules](#) adopted by the Executive will be set out in Appendix 5 to this Constitution. These will lay down the procedures to be followed by the Executive and anyone making an [Executive Decision](#).

The Rules will contain some [additional requirements](#) with regard to certain significant or important decisions. These are described as “key decisions”. A key decision means a decision that is likely:

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

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

Some of the Council Procedure Rules set out in [Appendix 3](#) to this Constitution also apply to Committees and Sub-committees of the Council. The Rules in question are specified in Council Procedure Rule 1.

12.06 Decision-making by Scrutiny committees

The [Overview and Scrutiny Procedure Rules](#) set out in Appendix 5 to this Constitution lay down additional procedures to be followed by the [Scrutiny committees](#) when considering any matter.

12.07 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 13 – Finance, Contracts and Legal Matters

13.01 Financial Administration and Management

The administration and management of the Council's financial affairs is governed by the Financial Regulations set out in [Appendix 4](#).

13.02 Contracts

Every contract made by the Council shall be let under the contract procurement rules set out in [Appendix 3](#).

13.03 Legal Proceedings

The [Head of Legal Services](#) is authorised begin or take part in any legal proceedings to give effect to decisions of the Council or if he considers it necessary to protect the Council.

13.04 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 Legal Services or someone else authorised by him.

13.05 Common Seal of the Council

The Common Seal of the Council must be kept in a safe place by the Head of Legal Services. 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 Legal Services should be sealed. The Seal will be attested by the Head of Legal Services or the Chief Executive.

Article 14– Review and Revision of the Constitution

14.01 Maintaining the Constitution

The Head of Legal Services 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.

14.02 Monitoring and Review

The [Monitoring Officer](#) will monitor and review the operation of this Constitution and may make recommendations to the Council for amendments or revisions to it.

14.03 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 an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her 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.

14.04 Consequential Alterations

From time to time, decisions may be taken by the Council or a person or body within the Council's organisation with regard to some function, delegation, power or other matter which have the effect of rendering some descriptive text or other provision of this Constitution inaccurate or out of date. When that happens, it is the responsibility of the monitoring officer to make the required alterations to this Constitution. No resolution or approval is required from the Council for that.

14.05 Annual Re-adoption

The monitoring officer will submit a fully up-to-date text of the Constitution to the first meeting of the council following each Annual Meeting of the Council, with a view to its formal approval and re-adoption by the Council for that Municipal Year, with any amendments or alterations then considered appropriate or necessary by the Council.

14.06 Amendments and Alterations Generally

Except for consequential alterations made by the [monitoring officer](#) under Article 14.04, changes to the constitution will only be approved by the [full Council](#) after consideration of a recommendation from the Audit 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 Procedural Rules after consulting the Chief Executive.

Article 15 – Suspension and Interpretation of the Constitution

15.01 Suspension of the Constitution

(a) Limits of Suspension.

- i) The Articles of this Constitution may not be suspended.
- ii) Any of the Rules contained in [Appendix 5](#) to this Constitution may be suspended by the Council or the relevant Committee or Sub-committee, or the [Executive](#) in the case of [Executive Procedure Rules](#),

but only to the extent permitted by the law and subject to any limitation or requirement provided for within the Rules themselves.

- iii) Any suspension may be either generally, for the remainder of a meeting, or for one or more particular items of business.
- (b) **Procedure to Suspend.** A motion to suspend any Rules may not be moved without notice under Council Procedure Rule [11.2](#) unless at least one half of the whole number of Councillors is present.

15.02 Interpretation

- (a) The Interpretation Act 1978 applies for the interpretation of this Constitution (including its Appendices) as it applies for the interpretation of an Act of Parliament. This means (among other things) that:
 - i) the singular includes the plural and vice versa;
 - ii) one gender includes all genders; and
 - iii) references to replaced or amended legislative provisions are to be construed as references to the replacement or amended provisions.
- (b) The ruling of the [Mayor](#) as to the construction or application of this Constitution and its Appendices or as to any proceedings of the Council shall not be challenged at any [meeting of the Council](#).
- (c) In the constitution and its appendices, the following words and phrases have the following meanings:

“The Policy Framework” means the following plans and strategies:

- The Corporate Plan
- The [Best Value Performance Plan](#);
- The [Community plan](#);
- The Community Safety Strategy
- The Plans and strategies which together comprise the [Development Plan](#);
- The [Local Development Scheme](#) and any local development document; and
- Any other plan or strategy (whether statutory or non-statutory) which the Council decides should form part of the policy framework.

“The Budget” includes

- the allocation of financial resources to different services and projects;
- proposed contingency funds;
- setting the Council tax;
- controlling the Council’s borrowing requirement;
- controlling capital expenditure; and
- setting virement limits.

“Housing Land Transfer” means approving or adopting applications (whether in draft form or not) to the Secretary of State for approval of:

- the inclusion of a disposal in a disposals programme under the Leasehold Reform, Housing and Urban Development Act 1993; or
- consent to that disposal where required under sections 32 or 43 of the Housing Act 1985.

“Executive Decision” means any decision by the [Executive](#), a Committee of the Executive, an [individual member of the Executive](#), or by an officer discharging [executive functions](#).

“Policy Document” means any plan, strategy or budget that forms part of the Council’s Budget or Policy Framework and **“Policy Proposal”** means any proposal for a plan, strategy or budget put forward for consideration for inclusion in the council’s budget or policy framework.

“Working Day” means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday in England or any day between Boxing Day in one year and New Years Day in the next.

Article 16 – Appendices to the Constitution

16.01 Executive Arrangements

Some of the provisions of this Constitution constitute, and have effect as, executive arrangements by the Council under Section 10 of the [Local Government Act 2000](#). The provisions concerned are listed in [Appendix 1](#).

16.02 Responsibility for Functions

[Appendix 2](#) specifies which bodies and persons have responsibility for the exercise of various functions.

16.03 Standing Orders

[Appendix 3](#) comprises the Standing Orders that have been made by the Council under paragraph 42 of Schedule 12 to the Local Government Act 1972 and certain other statutory provisions. The Standing Orders contain Procedure Rules to be observed with regard to various matters.

16.04 Financial Procedure Rules

[Appendix 4](#) comprises Financial Procedure Rules, in the form of Financial Regulations made by the Council.

16.05 Other Procedure Rules

[Appendix 5](#) contains Procedure Rules to be observed with regard to various other matters.

16.06 Members’ Codes of Conduct

[Appendix 6](#) contains the Council’s Code of Conduct for Members under Section 51 of the [Local Government Act 2000](#). [Appendix 7](#) contains the members’ code of conduct relating specifically to planning matters.

16.07 Officers' Code of Conduct

[Appendix 8](#) contains the Council's Code of Conduct for Officers.

16.08 Protocol on Member-Officer Relations

[Appendix 9](#) contains the protocol on member-officer relations.

16.09 Members' Allowances Scheme

[Appendix 10](#) contains the Council's Members' Allowances Scheme.

16.10 Officers' Management Structure

[Appendix 11](#) contains a description of the officer-level management structure and details of the functions of the various Service Units.

Appendix 1

Executive Arrangements

Appendix 1

Executive Arrangements

The following provisions of this Constitution are the executive arrangements of the Council under Section 10 of the [Local Government Act 2000](#):

1. Article 6 (Overview and Scrutiny: Scrutiny committees)
2. [Article 7](#) (The Executive)
3. [Article 12](#) (Decision-making), in so far as it relates to the Executive and Scrutiny committees
4. [Article 16.01](#) (Executive Arrangements)
5. [Appendix 2](#) (Responsibility for Functions), in so far as it relates to functions which are the responsibility of the Executive
6. The following Rules in [Appendix 5](#):

[Access to Information Procedure Rules](#)

[Budget and Policy Framework Rules](#)

[Executive Procedure Rules](#)

[Overview and Scrutiny Procedure Rules](#)

Appendix 2

Responsibility for Functions

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Appendix 2 Responsibility for Functions

Part A: Division of Functions between the Council and the Executive

Functions which are the responsibility of the Council:

1. **All of the functions** specified in Article [4.02](#) and [4.03](#) of this Constitution.
2. **The specific functions** listed in Schedule 1 to the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#) (as amended) (in so far as they are functions conferred on the Council as an Authority)
3. **The following functions** listed in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as functions which may, but need not be, functions of the Executive:
 - A. the appointment of a [member of the Council](#) (but not an [officer](#)):
 - (a) to any office
 - (b) to any body other than a [joint committee](#) of two or more authorities
 - (c) to any committee of such a body
 - B. the determination of any appeal against a decision made by or on behalf of the Council in respect of council tax or housing benefits

Functions which are the responsibility of the Executive:

All other functions of the Council

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

Development Control 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.
2. Determining applications for planning permission; for consent under the Town and Country Planning (Control of Advertisements) Regulations 1992; for listed building consent; determining

whether planning permission is required; certificates of appropriate alternative development; matters relating to the Building Regulations 1991, the Building Act 1984, and the Building (Local Authority Charges) Regulations 1998; all matters relating to Tree Preservation and development proposals under Department of Environment circular 18/84 or any amendment thereto.

3. 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.

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 (ii) the grading of his or her post or (iii) any grievance raised by him or her.

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

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.

Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.

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.

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.

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.

Power to license sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

Power to license performances of hypnotism under the Hypnotism Act 1952.

Power to license premises for acupuncture, tattooing, ear piercing and electrolysis under sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.

Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.

Power to license market and street trading under part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.

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.

Power of register and license premises for the preparation of food under section 19 of the Food Safety Act 1990.

Power to license scrap yards under section 1 of the Scrap Metal Dealers Act 1964.

Power to license premises for the breeding of dogs under section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.

Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under section 1 of the Pet Animals Act 195; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.

Power to license zoos under section 1 of the Zoo Licensing Act 1981.

Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.

Power to license knackers' yards under section 4 of the Slaughterhouses Act 1974 and the Animal By-Products Order 1999.

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.

Power to grant consent for the operation of a loudspeaker under schedule 2 to the Noise and Statutory Nuisance Act 1993.

Power to sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.

Power to approve meat product premises under regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.

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.

Power to approve dairy establishments under regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.

Power to approve egg product establishments under regulation 5 of the Egg Products Regulations 1993.

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.

Power to approve fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Power to approve dispatch or purification centre under regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

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.

Power to approve factory vessels and fishery product establishments under regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Power to register auction and wholesale markets under regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

Duty to keep register of food business premises under Regulation 5 of the Food Premises

(Registration) Regulations 1991.

Power to register food business premises under regulation 9 of the Food Premises (Registration) Regulations 1991.

Power to register premises or stalls for the sale of goods by way of competitive bidding

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

Licensing Committee

All licensing functions under the [Licensing Act 2003](#) (other than the functions conferred by section 5 of the act).

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.

Audit Committee⁹

Approving the council's annual statement of accounts.

Approving (but not directing) internal audit's strategy, plan and performance.

Reviewing summary internal audit reports and the main issues arising, and seeking assurance that action has been taken where necessary.

Considering reports of external audit and inspection agencies.

Considering the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.

Seeking assurances that action is being taken on risk related issues identified by auditors and inspectors.

Being satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it

Ensuring that there are effective relationships between external and internal audit, inspection agencies and relevant bodies, and that the value of the audit process is actively promoted

⁹ Inserted as a consequence of the decision to establish the Audit Committee taken by the council at its meeting on September 25 2006

Reviewing the financial statements, external auditors opinion and reports to members, and monitoring management action in response to the issues raised by external audit.

Advising the council on changes to the constitution.

Procedures

In relation to its Internal Audit functions the Audit Committee will

- meet a minimum of four times per year, (timetable to be agreed), to receive reports from the Head of Internal Audit who may report directly to the Chairman of the Committee if deemed necessary; and
- have the authority to require the attendance of any elected Member or Officer of the Authority.

Part C: Functions which the Council or the Executive has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972 or under executive arrangements

1. CHIEF EXECUTIVE

- 1.1 Authority to exercise any function contained in this Part of this Appendix 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](#) being absent or unable to act or of the post of such a chief officer being vacant, authority to:
 - (a) exercise any of the delegated powers of the chief officer; and
 - (b) grant any approval required from the chief officer as a condition for the exercise of a delegated power granted to another [officer](#)if there is no other officer in the [Unit](#) authorised and able to exercise the power or grant that approval.
- 1.4 Determining and allocating management responsibilities amongst chief officers 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
- 1.5 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 or the grant of exemption by the Independent Adjudicator.
- 1.6 Approving, following consultation with the [Executive Leader](#), the format and content of the Annual Report of the Council prior to publication.
- 1.7 Following consultation with any [Executive member](#) to whom responsibility for discharge of the executive function to which the paper relates has been delegated, responding to any consultation paper.
- 1.8. Authorising compensation payments under the Council's contact procedure.
- 1.9 Discharging any function contained within this Part of this Appendix 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.
- 1.10 Implementing the Council's Disciplinary Procedures.

- 1.11 Authorising directed surveillance exercises under [the Regulation of Investigatory Powers Act 2000](#).
- 1.12 Dismissing and taking disciplinary action against all staff below [chief officer](#) level, 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.
- 1.13 Determining on ill health or capability grounds the employment of staff below chief officer level.
- 1.14 Approving duties for the purposes of [Councillors' expenses payments](#).
- 1.15 Determining requests from [chief officers](#) for consent to secondary employment.
- 1.16 Appointing Consultants
- 1.17 In respect of the staff of his private office, the same authorisation as is allocated in Section 5 below to chief officers in respect of the staff of their [Units](#) with regard to appointments, discipline, study leave, financial assistance for training, payments for additional duties, minor changes in job descriptions, compassionate leave, safety statements and approving job-share arrangements.
- 1.18 Producing and submitting the council's annual efficiency statement
- 1.19 In relation to chief officers and staff in his own private office, approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, (to be produced by the Human Resources Manager) and approving `added years` for Superannuable employees and all other superannuable matters.

2 DEPUTY CHIEF EXECUTIVE

- 2.1 In the event of the Chief Executive being absent or unable to act or the post of Chief Executive being vacant, authority to:
 - (a) exercise any of the Chief Executive's delegated powers; or
 - (b) grant any approval required from the Chief Executive as a condition for the exercise of a delegated power granted to another [officer](#)
- 2.2 In the event of a chief officer being absent or unable to act or of the post of such a chief officer being vacant, authority to:
 - (a) exercise any of the delegated powers of the [chief officer](#); and
 - (b) grant any approval required from the chief officer as a condition for the exercise of a delegated power granted to another [officer](#)

if there is no other officer in the Unit authorised and able to exercise the power or grant that approval.
- 2.3 Appointing consultants
- 2.4 Authorising directed surveillance exercises under [the Regulation of Investigatory](#)

[Powers Act 2000.](#)

3 ALL EXECUTIVE MANAGERS (including the Head of Legal Services)

- 3.1 Implementing¹⁰, in consultation with the Chief Executive, the grading and re-grading of posts in their respective units below those staff employed on chief officer conditions, in accordance with the council's pay and grading procedures and within the approved departmental 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 Councils 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, allowances and car loans to appropriate members of staff in accordance with the approved scheme.
- 3.5 Following consultation with the Human Resources Manager, approving training courses, including seminars, for staff.
- 3.6 Determining, in accordance with agreed Council policies, all other personnel management matters within their units, 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 unit other than those employed on chief officer conditions.
- 3.8 Approving or refusing, in consultation with the [Chief Executive](#), applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, (to be produced by the Human Resources Manager) and approving `added years` for Superannuable employees and all other superannuable matters.
- 3.9 The management and operation of their units in accordance with the agreed policies and practices of the council.
- 3.10 Any matter that is a responsibility of executive managers in the [financial regulations](#) (set out in appendix 4), whether expressly or by implication, in relation to their units.
- 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

10 Wording regularised following council meeting of July 23 2007

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 Authorising directed surveillance operations under [the Regulation of Investigatory Powers Act 2000](#) (except Head of Legal services).

4. HEAD OF LEGAL SERVICES

- 4.1 Following consultation with the appropriate [chief officer](#), 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 planning contravention notices, breach of condition notices, enforcement notices and stop 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

- 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 any appropriate member of the [executive](#) together with the appropriate [chief officer](#).

- 4.12 Acting as the Council's [Monitoring Officer](#).

5. CONSUMER WELLBEING & PROTECTION EXECUTIVE MANAGER

- 5.1 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 5.2:

- 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 Legal Services the institution of legal proceedings;
- v) authorising officers 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.

5.2 The legislation referred to in clause 5.1 is:

Public Health Act 1875
 Open Spaces Act 1906
 Public Health Act 1936
 National Assistance Act 1948
 Prevention of Damage by Pests Act 1949
 Pet Animals Act 1951
 Clean Air Act 1956
 Public Health Act 1961
 Animal Boarding Establishments Act 1963
 Slaughter of Poultry Act 1967
 Caravan Sites Act 1968
 Clean Air Act 1968
 Chronically Sick and Disabled Persons Act 1970
 Riding Establishments Act 1970
 Local Government Act 1972 (in relation to bye-laws made under Section 235)
 Slaughterhouses Act 1974
 Control of Pollution Act 1974
 Local Government (Miscellaneous Provisions) Act 1976
 Refuse Disposal (Amenity) Act 1978
 Animal Health Act 1981
 Local Government (Miscellaneous Provisions) Act 1982
 Mobile Homes Act 1983
 Road Traffic Regulation Act 1984 (in relation to the removal and disposal of vehicles)
 Building Act 1984
 Food Act 1984
 Public Health (Control of Disease) Act 1984

County of Lancashire Act 1984
Food and Environment Protection Act 1985
Housing Act 1985
Local Government and Housing Act 1989
Water Supply (Water Quality) Regulations 1989
Control of Pollution (Amendment) Act 1989, sections 5 and 5A¹¹
Food Safety Act 1990
Environmental Protection Act 1990
Deer Act 1991
Water Industry Act 1991
Radioactive Substances Act 1993
Clean Air Act 1993
Sunday Trading Act 1994
Criminal Justice and Public Order Act 1994
Environment Act 1995
Noise Act 1995
Clean Neighbourhoods and Environment Act 2005 (except part 6: Dogs)
Health Act 2006¹²

5.3 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

¹¹ Added following council meeting of 23 July 2007.

¹² ditto

consultee and not the licensing authority.

- xi) Exercising the functions of the council as a responsible authority under section 13(4)(c) and (e)
- 5.4 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.
- 5.5 Determining the Council's response to consultations by the Environment Agency in relation to Disposal Site Licences under the Control of Pollution Act 1974.
- 5.6 The functions, powers and duties under Sections 16, 19 and 22 of the County of Lancashire Act 1984.
- 5.7 Determination of whether land is “contaminated land” as defined in Section 78A of the Environmental Protection Act 1990.
- 5.8 Appointing officers as inspectors under section 19 (1) of the Health & Safety at Work etc. Act 1974.
- 5.9 Authorising officers to receive information under section 18(2)(c)(i) of the Health & Safety at Work etc. Act 1974.
- 5.10 Exercising the functions of the council under the following legislation:-
 Sections 81 of the Housing Grants Construction and Regeneration Act 1996 (and reviewing any such notice under section 84 of the act)
 Sections 189 and 190 of Housing Act 1985
 Part II of the Public Health Act 1936
 Sections 76-83 of the Building Act 1984
 Sections 352, 358, 364 and 354-357 (inclusive) of the Housing Act 1985
 and imposing reasonable charges where charges may be made.
- 5.11 Carrying out the Council's functions under Sections 365 and 368 of the Housing Act 1985.
- 5.12 Exercising the council's functions under Part VII of the Housing Act 1996 (Homelessness) and the Homelessness Act 2002.

- 5.13 Carrying out the council's functions under the Housing Act 2004
- 5.14 Administering the Council's housing grants policy under the Housing Grants Construction and Regeneration Act 1996 and determining applications under the Act for grants.
- 5.15 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.
- 5.16 Administering the Council's responsibilities under the HEC Act 1996.
- 5.17 Giving directions under section 77 of the Criminal Justice and Public Order Act 1994.
- 5.18 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
- 5.19 Carrying out the Council's functions under the Civil Contingencies Act 2004 (except those described in Section 2(c))
- 5.20 Signing notices relating to the passing or refusal of plans submitted under building regulations.¹³
- 5.21 Determining applications for Building Regulations consent.¹⁴
- 5.22 Dealing with all matters relating to dangerous buildings and structures.¹⁵
- 5.23 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

6. **STRATEGIC PLANNING AND DEVELOPMENT EXECUTIVE MANAGER¹⁶**

- 6.1 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 Development Control committee and any which are referred to in the scheme below.

¹³ Transferred from Strategic Planning and Development following Council meeting of July 23 2007

¹⁴ ditto

¹⁵ ditto

¹⁶ Delegations relating to building regulations and dangerous structures transferred to Consumer Wellbeing & Protection following council meeting of July 23 2007

Delegated applications

1. Subject to paragraph 2, decisions on the following matters are delegated to the Executive Manager :
 - 1.1. Planning applications
 - 1.2. Applications for certificates of lawfulness
 - 1.3. Advertisement consent applications
 - 1.4. Conservation area consent applications
 - 1.5. Hazardous substance applications
 - 1.6. Listed Building applications
 - 1.7. Telecommunications applications and prior determinations
 - 1.8. Agricultural prior determinations
 - 1.9. any other application or matter of a similar nature to 1.1 to 1.8
2. Notwithstanding paragraph 1, the Executive Manager may not exercise delegated authority to take decisions on the following matters:
 - 2.1. Any application falling within 1.1 to 1.9 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 stipulated in paragraph 9.
 - 2.2. Any application falling within 1.1 to 1.9 where the chairman or vice-chairman of the development control 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
 - 2.3. Any application falling within 1.1 to 1.9 where a parish or town council for the application site has submitted representations on justifiable planning grounds contrary to the decision that executive Manager proposes to make
 - 2.4. Major Planning Applications
 - 2.5. Any application for total or partial demolition of a Listed Building, where the proposed demolition would amount to more than 50% of Listed Building.
 - 2.6. Any application which is the same or substantially the same as a previous application that was refused by the development control committee and where the Executive Manager proposes to grant permission
 - 2.7. Any application that the Executive Manager considers has significant, borough-wide importance or has been the subject of significant public interest.
 - 2.8. Any application for planning permission for the development of land

17 Changed from "Forward Planning and Development Executive Manager" following the council meeting on July 23 2007

without complying with conditions subject to which a previous planning permission was granted where the previous planning permission was not granted by the Executive Manager exercising delegated powers.

3. For the purposes of paragraph 2.3, a representation will be taken to be on justifiable planning grounds unless the Executive Manager advises the parish or town council in writing that in his opinion the representation is unreasonable. In forming his opinion, the Executive Manager will take account of Department of the Environment circular 8/93 (award of costs in planning and other (including compulsory purchase) proceedings).
4. Notwithstanding paragraph 1, the Executive Manager may only exercise delegated authority to make decisions on the following matters after consultation with the chairman and vice-chairman of the development control committee:
 - 4.1. Any application where the council or a council employee is an applicant or an owner of the application site.
 - 4.2. Any application where a committee of the council has expressed a view contrary to the decision that the executive manger proposes to make.
5. Nothing in paragraph 2 or 4 above will prevent the executive Manager exercising his delegated authority to take decisions in respect of applications under part 24 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 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 Executive Manager has delegated authority to respond to consultations from bodies such as neighbouring authorities and government agencies.

Environmental impact assessments

7. The Executive Manager 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 13 of Department of the Environment circular 15/92
10. "Ward Councillor" means a councillor representing a ward that includes the application site or any ward that abuts the application site.
11. "Executive Manager" means the Strategic Planning and Development Executive Manager¹⁷.

Procedure

12. All Councillors will be circulated with a weekly list of planning applications, published and dispatched on Friday of each week. Councillors will have 21

- days from the date of dispatch of the list to require under 2.1 that the delegation to the unit business manager be not exercised.
13. A weekly list of all those applications where the Executive Manager has exercised his delegated decision-making power will be distributed to all councillors on Fridays
 14. A rigorous scrutiny process will ensure that no application will be decided by its case officer and that only those applications that qualify for delegated decision-making go forward to be decided under delegated powers. The case officer will present a simple report to the area team leader, including a clear statement why the decision meets the criteria for delegation. The report will then go before the development control manager, who will sign off the report and determine the application on behalf of the Executive Manager. If the DC manager is the case officer, he will pass the report to the Executive Manager for decision. A pro forma completed by the case officer will assist with the scrutiny process.
- 6.2 Issuing notices under [Article 3\(2\) of the Town and Country Planning General Development Procedure Order 1995](#) specifying further information which is required before an outline planning application can be determined
 - 6.3 Authorising entry onto land under section 196A of the Town and Country Planning Act 1990.
 - 6.4 Deciding whether a particular appeal should be dealt with by public inquiry, informal hearing or written representations.
 - 6.5 Determining applications for certificates of lawfulness of existing or proposed use or development under sections 191 and 192 of the Town & Country Planning Act 1990.
 - 6.6 Serving planning contravention notices, enforcement notices and breach of condition notices.
 - 6.7 Serving stop notices after consultation with the chairman and vice-chairman of the development control committee
 - 6.8 Determining applications¹⁸ in accordance with any current Policy on the Licensing/Leasing of Leisure Concessions.
 - 6.9 Seeking and awarding tenders for licensed tendered concessions in accordance with the Policy on the Licensing of Concessions.
 - 6.10 Exhibiting, promoting, publicising and implementing the services of the council for economic development in accordance with the economic development strategy.
 - 6.11 Liaising with partner organisations to implement shared strategies
 - 6.12 Applying for funding that would enhance/add value to existing economic related strategies.

¹⁸ Requirement to consult with Economic Well-Being unit business manager deleted following council meeting on July 23 2007

- 6.13 Applying for anti-social behaviour orders under section 1 of the [Crime and Disorder Act 1998](#).
- 6.14 Consenting to authorisations under section 30 of the [Anti-Social Behaviour Act 2003](#)
- 6.15 Instructing the District Valuer and Valuation Officer to act on the Council's behalf on negotiating and agreeing rents with leaseholders of the Council.
- 6.16 Taking, granting, and renewing leases for periods not exceeding seven years.
- 6.17 Granting permissions for persons/organisations to use Council owned property for activities that benefit the community in general subject to insurance requirements being met
- 6.18 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 Finance Executive Manager and the appropriate insurance requirement being met.
- 6.19 Exercising the functions of the council as a responsible authority under section 13(4)(d) of the Licensing Act 2003¹⁹

7. STREETSCENE SERVICES EXECUTIVE MANAGER

- 7.1 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
- 7.2 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.
- 7.3 Making representations or formal objections to Traffic Commissioners on applications for LGV or PSV operator's licences.
- 7.4 Dealing with the numbering/re-numbering of properties.
- 7.5 Administering the Council's responsibilities as a waste collection authority under the Control of Pollution Act 1974 and the Environmental Protection Act 1990.
- 7.6 Serving notices under sections 46 and 47 of the Environmental Protection Act 1990.
- 7.7 Administering the Council's responsibilities under the Refuse Disposal (Amenity) Act 1978.
- 7.8 Administering the Council's responsibilities under Section 22 of the Control of Pollution Act 1974 and Part 4 generally and Section 89 in particular of the Environmental Protection Act 1990.

¹⁹ Added following Council meeting of July 23 2007.

- 7.9 Serving notices under sections 92 and 93 of the Environmental Protection Act 1990.
- 7.10 Contracting with the Highway Authority for the removal and cleansing of highway obstructions and debris.
- 7.11 Administering the Council's functions under Section 87 of the Public Health Act 1936.
- 7.12 Closing leisure facilities or removing equipment without notice in the interests of public safety, or for the purposes of maintenance and repair.
- 7.13 Letting allotments and serving notices to quit to allotment holders or allotment associations.
- 7.14 Administering the Council's functions as a burial and cremation authority.
- 7.15 In respect of the legislation set out in clause 7.16:
 - i) serving notices (including fixed penalty notices) and taking consequential action,
 - ii) issuing formal cautions;
 - iii) recommending to the Head of Legal Services the institution of legal proceedings;
 - iv) authorising officers to exercise statutory functions (including powers of entry and obtaining warrants);
- 7.16 The legislation referred to in clause 7.15 is:
 - Dogs Act 1906
 - Guard Dogs Act 1975
 - Road Traffic Act 1988 (in relation to dogs on roads)
 - Dangerous Dogs Act 1989
 - Dangerous Dogs Act 1991
 - Dogs (Fouling of Land) Act 1996
 - Breeding and Sale of Dogs (Welfare) Act 1999
 - Clean Neighbourhoods and Environment Act 2005 (part 6: Dogs)
- 7.17 Power to make orders under section 21 of the Town Police Clauses Act 1847 for preventing obstructions in the streets during public processions, etc

8. COMMUNITY & CULTURAL SERVICES EXECUTIVE MANAGER

- 8.1 Providing and managing a comprehensive range of indoor and outdoor leisure facilities and programmes.
- 8.2 Determining requests for use of Council-owned land held for recreational purposes and levying such additional charges as individual circumstances dictate.
- 8.3 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.

8.4 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.

8.5 Discharging any other function of the Council in respect of the development and management of the Cultural Services functions of the Council.

9 DEMOCRATIC SERVICES & MEMBER SUPPORT EXECUTIVE MANAGER

9.1 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.

9.2 Dealing with matters concerned with civic or ceremonial occasions together with civic hospitality in consultation with the [Mayor](#) and the [Leader](#) as appropriate

10 FINANCE EXECUTIVE MANAGER

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.²⁰

10.2 Properly managing and administering of all the council's financial affairs in accordance with all statutory requirements and any adopted codes of practice (including any necessary technical adjustments to the council's approved budgets or accounts to ensure compliance to safeguard the council's financial position).²¹

10.2 Agreeing rating assessments of property whether or not owned or occupied by the council.²²

10.3 Determining and administering of mandatory rate relief, council tax benefit, council tax discounts and exemptions, housing benefit, and council tax relief for disabled people.²³

10.4 Recovering rates and council tax.²⁴

10.5 Arranging banking and other financial services, including indemnities, guarantees, bonds, securities, leasing arrangements and advances.²⁵

10.6 Approving a supplementary estimate of up to £10,000 as part of a "pay back scheme", provided that the scheme is in accordance with the council's overall policy framework and has a pay back period of 5 years or less.²⁶

²⁰ Added following cabinet meeting of January 16 2008

²¹ Added following council meeting of 28 January 2008

²² Added following council meeting of 28 January 2008

²³ Added following council meeting of 28 January 2008

²⁴ Added following council meeting of 28 January 2008

²⁵ Added following council meeting of 28 January 2008

²⁶ Added following council meeting of 28 January 2008

- 10.7 Acting as “Accountable Officer” on behalf of the council under the terms of any European or government grant scheme, subject to being satisfied that appropriate financial controls are in place.²⁷
- 10.8 Writing-off of uncollectible debts up to £25,000.²⁸
- 10.9 Approving “technical supplementaries” i.e. additional expenditure which is fully funded from additional external resources and does not place any residual liability on the council, in consultation with the executive member for finance and efficiency.²⁹
- 10.10 Approving applications for mandatory and discretionary rate relief in accordance with any policy approved by the executive member for finance and efficiency.³⁰
- 10.11 Approving applications for rate relief on the grounds of hardship.³¹

Part D: Executive Functions which may be discharged by the Executive, individual Executive Members, or Committees of the Executive

The [executive arrangements](#) made by the Council also allocate the functions listed above in [Part C](#) above which are executive functions to the [Executive](#), in parallel to the [officers](#) designated. The purpose of this is to enable the Executive to exercise any of the functions if with regard to any particular matter:

- (a) the officer refers the matter to the Executive for it to discharge the function; or
- (b) the Executive thinks fit and so directs.

Normally, however, the officers concerned will discharge the functions allocated to them in Part C.

The persons or bodies who will discharge the other functions which are the responsibility of the Executive are determined by the Executive Leader and the Executive itself in accordance with their powers under Section 15 of the [Local Government Act 2000](#). The following determinations have been made:

The Executive Leader has allocated to the Executive Cabinet power to make decisions in respect of all executive functions

The Leader has also delegated to individual cabinet members the power to take the following actions or decisions within the functional areas set out in the [table](#) below:

1. All matters within the Council's overall [policy framework](#) and [budget](#), excluding those actions or decisions delegated to officers under the [Scheme of Delegation to officers](#);

27 Added following council meeting of 28 January 2008

28 Added following council meeting of 28 January 2008

29 Added following council meeting of 28 January 2008

30 Added following council meeting of 28 January 2008

31 Added following council meeting of 28 January 2008

2. Where details of schemes vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded;
3. Minor changes in the policy, detail or pattern of the provision of services which do not affect the Council's overall policy framework or budget;
4. Changes to scales of fees and charges which do not affect the Council's overall policy framework or budget;
5. Approval of the principle, content and design of capital or revenue schemes or procuring of goods or services with an estimated value between £15,000 and £100,000 within the approved policy and budget framework;
6. To agree responses to external consultation documents and other representations which do not have significant implications for Council strategies or services;
7. To issue public consultation documents prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services;
8. To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.
9. Individual cabinet members may consult with the cabinet or other cabinet members or the Chairman of any relevant committee / sub-committee on the exercise of any delegated power.

In exercising these delegations Cabinet Members must comply with the following:-

- a. All decisions must be in accordance with the approved [policy framework](#) and [budget](#).
- b. All decisions must be taken in accordance with the requirements of law and the constitution.
- c. Before taking a key decision all the requirements relating to key decisions must be met.
- d. Cabinet Members will always have the option of referring matters for collective decision by the Cabinet.
- e. Where a Cabinet Member has a personal and prejudicial interest in a matter coming before him/her for a decision, the Leader of the Council may take the decision delegated to that Portfolio Holder in their stead.
- f. Where the [Leader](#) has a [personal and prejudicial interest](#) in a matter coming before him or her for a decision another Portfolio Holder may take the decision delegated to the Leader in his/her stead.
- g. In the absence of the Leader or relevant Portfolio Holder another Portfolio Holder may take the decision delegated to the Leader or the relevant Portfolio Holder in their stead.

CABINET MEMBER	PORTFOLIO FUNCTIONS
LEADER	<ul style="list-style-type: none"> • Political leadership of the Council • Community Leadership • Public Relations

	<ul style="list-style-type: none"> • The Community Plan & Local Strategic Partnership • Promotion of the social, economic & environmental wellbeing of the Borough • Comprehensive Performance Assessment
CABINET MEMBER (Deputy Leader / Development & Regeneration)	<ul style="list-style-type: none"> • Planning policy • Strategic Forward Planning • Transportation & relationships with the Highway Authority • Economic Development & Promotion • 'The Northern Way' & City Regions • Regeneration • Conservation & Heritage
CABINET MEMBER (Finance & Efficiency)	<ul style="list-style-type: none"> • Financial management • Asset management • Efficiency in the Use of Resources • Exchequer & benefits management • E-government services & website • Information and communications technology management • Audit & Inspection management
CABINET MEMBER (Corporate Performance, Customer Relations & Partnerships)	<ul style="list-style-type: none"> • Corporate planning & performance management • Democracy & governance • Member development • HR, Training & Workforce Planning • Equality & Diversity • Risk Management & Corporate Health & Safety • Customer Services • Community Engagement & Projects • Citizen's Panel • Parish Liaison • External Partnerships and Communication • Local Area Agreements
CABINET MEMBER (Culture & Tourism)	<ul style="list-style-type: none"> • Tourism & events • Leisure Services • Sports, Parks & Arts development • Concessions & Street Trading • Museums & Theatres • Young People's Services
CABINET MEMBER (Community & Social Wellbeing)	<ul style="list-style-type: none"> • Environmental Health • Housing • Licensing • Community Safety • Cemetery & Crematorium • Services for older people & vulnerable groups • Approving submissions for use of commuted sums paid for housing purposes³²
CABINET MEMBER (Streetscene)	<ul style="list-style-type: none"> • Waste management & recycling • Street & Amenity Cleaning • Foreshore Management • Technical Services • Grounds maintenance

32 Inserted following Cabinet meeting 10 May 2006

	<ul style="list-style-type: none">• Flood defence• Civil Contingencies & emergency planning
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Appendix 3

Standing Orders

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Appendix 3

Standing Orders

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:

STANDING ORDERS OF FYLDE BOROUGH COUNCIL

The Standing Orders consist of three Parts. Each of those Parts comprises Procedure Rules relating to one or more aspects of the Council's business or operation.

Part A - Council Procedure Rules

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 These rules do not apply to cabinet meetings. The [cabinet procedure rules](#) apply to them instead.

2 DEFINITIONS

In these rules,

- 2.1 the Leader of the Council is deemed to be a member of the cabinet
- 2.2 '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.
- 2.3 "election year" means a year when there is an ordinary election of [councillors](#)
- 2.4 "non-election year" means a year which is not an election year
- 2.5 where the context permits, "Mayor" includes the Deputy Mayor, or any other person presiding at a council meeting in the absence of the Mayor.
- 2.6 "special meeting" means a meeting of the council other than the annual meeting or an ordinary meeting

3 MEETINGS OF THE COUNCIL

3.1 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:

- 3.1.1 elect a person to preside if the Mayor and Deputy Mayor are not present;
- 3.1.2 elect the new Mayor;
- 3.1.3 appoint the new Deputy Mayor;

- 3.1.4 approve the minutes of the last meeting;
- 3.1.5 receive any announcements from the chairman and/or Chief Executive;
- 3.1.6 consider any other business set out in the notice convening the meeting.

3.2 Selection of Councillors on Committees and Outside Bodies

In an election year, the annual meeting will:

- 3.2.1 decide which committees to establish for the municipal year;
- 3.2.2 decide the size and terms of reference for those committees;
- 3.2.3 decide the allocation of seats to political groups in accordance with the political balance rules; and
- 3.2.4 appoint or nominate councillors to serve on outside bodies.

In a non-election year the Council will decide those matters falling in 3.2.1, 3.2.2 and 3.2.4 at the last ordinary meeting before the annual meeting, and will decide the matters falling within 3.2.3 at the first ordinary meeting after the annual meeting.

3.3 Ordinary Meetings

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

- 3.3.1 elect a person to preside if the Mayor and Deputy Mayor are not present;
- 3.3.2 receive any [declarations of interest](#) from [members](#);
- 3.3.3 approve the minutes of the last meeting;
- 3.3.4 receive any announcements from the Mayor and/or the Chief Executive;
- 3.3.5 deal with any questions from members of the council submitted under [rule 8](#)
- 3.3.6 deal with any written questions from members of the public submitted under [rule 9](#)
- 3.3.7 deal with any business from the last Council meeting;
- 3.3.8 consider any recommendations and/or reports from committees;³⁴
- 3.3.9 consider [notices of motion](#) in the order in which they have been received;
- 3.3.10 consider any other business specified in the summons to the meeting; and
- 3.3.11 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).³⁵

3.4 Special Meetings

- 3.4.1 Special meetings can be called in four ways:
 - 3.4.1.1 By the Mayor at any time;
 - 3.4.1.2 By a resolution of the Council;

³⁴ Paragraph 3.3.9 deleted and subsequent sub-paragraphs re-numbered following council meeting held on 27 November 2006

³⁵ Paragraph 3.3.13 deleted following council meeting of 28 January 2008

3.4.1.3 By the Chief Executive after consultation with the Leader of the Council

3.4.1.4 By any five members of the Council if they have followed the procedure in 3.4.2

3.4.2 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.

4 TIME AND PLACE OF MEETINGS

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

5 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 three clear working days before a meeting, the Chief Executive will send a summons by post or hand delivery to every member of the Council or the relevant committee or sub-committee at their home address.

6 CHAIRMAN OF MEETING

6.1 The [Mayor](#) shall preside at all council meetings.

6.2 If the Mayor is absent from a council meeting, then, the Deputy Mayor, if present, shall preside.

6.3 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 representative) shall conduct the meeting until such time as the member to preside at the meeting has been chosen.

6.4 *If the chairman is absent from a meeting of a committee or sub-committee, the vice-chairman shall preside.*

6.5 *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 representative) shall conduct the meeting until such time as the member to preside at the meeting has been chosen.*

6.6 The Mayor may invite the Deputy Mayor to conduct any ordinary or special meeting of the Council. Rules 6.7 and 6.8 apply when the Deputy Mayor is conducting a meeting at the invitation of the Mayor.

6.7 The Deputy Mayor exercises and is subject to the authority of the Mayor. He is entitled to directly address and lead the meeting and generally to do anything that the Mayor is entitled to do in relation to the meeting. Members must therefore treat any ruling, direction or other act of the Deputy Mayor as if it was made by the Mayor.

6.8 The Deputy Mayor may vote on any question arising at the meeting and is not subject to the direction of the Mayor in deciding whether and how to vote. He may not vote on behalf of the Mayor. Only the Mayor may give a casting vote.

7 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 he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8 QUESTIONS FROM MEMBERS OF THE COUNCIL

- 8.1 A [councillor](#) who is not a member of the [cabinet](#) may, subject to 8.2, ask a question
- 8.2 of a member of the cabinet at an [ordinary meeting](#) of the council.
- 8.3 Questions may only be asked under 8.1 if:
 - 8.3.1 The councillor who wants to ask the question has given it in writing to the Democratic Services & Member Support Executive Manager 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 on the Tuesday before) and has identified the cabinet member who he wants to answer it;
 - 8.3.2 The question is relevant to the brief held by the member who is to answer it, or is to be answered by the leader of the council;
 - 8.3.3 The question will take no longer than two minutes; and
 - 8.3.4 At the time the question is given to the Democratic Services & Member Support Executive Manager, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her
- 8.4 The member who is to answer the question will be given at least 24 hours' notice of it.
- 8.5 The question must be answered at the meeting by the member to whom it is directed, unless:
 - 8.5.1 The member is not present, or
 - 8.5.2 The question is directed to the [leader](#) of the council,in either of which cases, the leader of the council may nominate another member of the [cabinet](#).
- 8.6 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.
- 8.7 No debate will be allowed arising out of a question asked or answer given under this rule.
- 8.8 No councillor may ask more than one question under this rule (excluding supplementary questions under 8.5) at any meeting

9 QUESTIONS FROM MEMBERS OF THE PUBLIC

- 9.1 Any resident of the council's district may submit one written question to be asked at an [ordinary meeting](#) of the council. The question will, subject to 9.2, be read out by an officer and answered by a member of the cabinet.
- 9.2 Questions will only be asked under 9.1 if:
 - 9.2.1 The written request for the question to be asked has been given to the Democratic Services & Member Support Executive Manager before 4.30 p.m. on the fourth working day before the meeting

- 9.2.2 The question will take no longer than two minutes to ask; and
- 9.2.3 At the time the question is given to the Democratic Services & Member Support Executive Manager, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her
- 9.3 The [leader](#) of the council will be given at least 24 hours' notice of any questions to be asked under this rule.
- 9.4 The question must be answered at the meeting by a member of the [cabinet](#) nominated by the leader to answer it.

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:

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

11 MOTIONS

11.1 Notice of Motion

11.1.1 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. It does not allow the council to exercise a function that is by law or by virtue of this constitution the responsibility of the cabinet.

11.1.2 Giving notice

Any two members of the council can give written notice to the Democratic Services & Member Support Executive Manager of a motion that they wish to move. The Executive Manager 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 ten working days after the written notice has been given. Motions will be listed on the agenda in the order in which notice was received.

11.1.3 At the council meeting

- 11.1.3.1 A motion under this rule must be formally moved and seconded at the council meeting. It will then stand referred without discussion to the cabinet or the relevant committee(s) of the Council for consideration unless, while moving the motion, its proposer asks the council to consider it immediately.
- 11.1.3.2 If the proposer asks the council to consider the motion immediately, the council must, without discussion, vote on whether or not to do so.
- 11.1.3.3 If the council votes to consider the motion immediately, it will be dealt with at the council meeting under the normal rules for debate and voting. If the council votes not to consider the motion immediately, it will stand referred as set out in 11.1.3.1.

11.1.4 Referred motions

- 11.1.4.1 It is up to the Cabinet or committee concerned to programme discussion of any motion referred to it.

11.1.4.2 A [member of the Council](#) who has moved a motion that has been referred to any committee shall have the right to attend that Committee and if he/she attends shall have an opportunity of explaining the motion.

11.1.4.3 A [member of the Council](#), who has moved a motion which has been referred to the cabinet shall, if the motion is considered by a meeting of the cabinet or a committee of the cabinet, have the right to attend that meeting to explain the motion.

11.2 Procedural Motions

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

11.2.1 to appoint a [chairman](#) of the meeting at which the motion is moved;

11.2.2 to amend the minutes;

11.2.3 to change the order of business in the agenda;

11.2.4 to refer something to an appropriate body or individual;

11.2.5 to appoint a committee or member arising from an item on the agenda;

11.2.6 to receive reports or adoption of recommendations of committees or [officers](#) and any resolutions following from them;

11.2.7 to withdraw a motion;

11.2.8 to [amend a motion](#);

11.2.9 to [proceed to the next business](#);

11.2.10 that [the question be now put](#);

11.2.11 to [adjourn a debate](#);

11.2.12 to [adjourn a meeting](#);

11.2.13 to [suspend](#) a particular council procedure rule;

11.2.14 to exclude the public and press in accordance with the [Access to Information Procedure Rules](#);

11.2.15 to not hear further a member named under rule 19.3 or to exclude them from the meeting under rule [19.4](#); and

11.2.16 to give the consent of the Council where its consent is required by this Constitution.

12 ADOPTION OF RECOMMENDATIONS OF COMMITTEES

12.1 The adoption of any recommendations made by Committees shall be moved by the [Chairman](#) of the Committee, or in his/her absence by the [Vice-Chairman](#) or in the absence of both by some other member of the Committee who was present at the relevant meeting of the Committee, and shall be seconded;

12.2 When the recommendations (if any) of a Committee have been moved and seconded and any proposed amendments have been debated and voted upon, the minutes, including any corrections, shall be put to vote as the substantive motion³⁶.

³⁶ Rule 12.3 deleted following Council meeting of July 23 2007.

13 ³⁷RULES OF DEBATE

13.1 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.

13.2 Moving a motion

The member who wants to make a proposal must tell the council meeting what he is proposing and explain why he is proposing it. Unless it is a notice of motion under rule 11.1, the Mayor may require the proposal to be written down and handed to him before it is discussed.

13.3 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 seconds it, or can elect to speak later in the debate instead.

13.4 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.

13.5 Speaking about a motion

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

13.6 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.

13.7 Amending a motion

13.7.1 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.

13.7.2 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 seconds it, or can elect to speak later in the debate instead.

13.7.3 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.

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

13.7.5 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.

³⁷ Rule 13 deleted and subsequent rules renumbered following council meeting of January 28 2008

- 13.7.6 If an amendment is carried, the [Mayor](#) will read out the amended motion. Members can then propose further amendments, which will be dealt with under this rule. If there are none, the Mayor will put the motion as amended to the vote.
- 13.7.7 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 sole discretion accept notice of further amendment(s).

13.8 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;

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

13.9 Alteration or withdrawal of motion or amendment

- 13.9.1 A member who has proposed a motion or amendment may only alter or withdraw it if: his seconder and the meeting agrees. (the meeting's consent to be signified without discussion) and any alteration is one that could have been made as an amendment.
- 13.9.2 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.
- 13.9.3 The proposer of the amendment has no right of reply to the debate on his or her amendment.

13.10 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:

- 13.10.1 to [amend a motion](#);
- 13.10.2 to [proceed to the next business](#);
- 13.10.3 that [the question be now put](#);
- 13.10.4 to [adjourn a debate](#);
- 13.10.5 to [adjourn a meeting](#);
- 13.10.6 to [exclude the public](#) and press in accordance with the Access to Information Rules; and
- 13.10.7 to not hear further a member named under rule [19.3](#) or to exclude them from the meeting under rule [19.4](#).

13.11 Closure motions

- 13.11.1 A [member](#) may propose, without comment, at the end of a speech of another member:
- 13.11.1.1 to proceed to the next business;
- 13.11.1.2 that the question be now put;

13.11.1.3 to adjourn a debate; or

13.11.1.4 to adjourn a meeting.

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

13.11.2 On a motion to proceed to next business:

13.11.2.1 The Mayor must immediately put the procedural motion to the vote, without discussion.

13.11.2.2 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.

13.11.2.3 If the proposal is defeated the debate on the business under discussion immediately before the motion was proposed will continue.

13.11.3 On a motion that the question be now put:

13.11.3.1 The Mayor must inform the meeting whether he thinks that the motion or amendment under debate has been sufficiently discussed.

13.11.3.2 If he considers that it has not been sufficiently discussed, he must allow the debate to continue.

13.11.3.3 If he considers that it has been sufficiently discussed, he/she must put the procedural motion to the vote.

13.11.3.4 If the procedural motion is approved during a debate on an amendment, the Mayor will allow the member who proposed original motion his right of reply before putting the amendment to the vote.

13.11.3.5 Otherwise, the Mayor will allow the member who proposed the original motion his right of reply before putting the motion to the vote.

13.11.3.6 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.

13.11.4 On a motion to adjourn the debate or adjourn a meeting:

13.11.4.1 The Mayor must inform the meeting whether he thinks that the motion or amendment under debate is likely to be properly debated without an adjournment

13.11.4.2 If he considers that it is likely to be properly debated without an adjournment, he must allow the debate to continue

13.11.4.3 If he considers that it is not likely to be properly debated without an adjournment, he must put the procedural motion to the vote

13.11.4.4 If the procedural motion is approved, the debate or meeting will be adjourned.

13.12 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 may raise it at the meeting by making a point of order. He must specify the breach of procedure to the Mayor, whose ruling will be final.

13.13 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.

14 PREVIOUS DECISION AND MOTIONS

14.1 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](#) is 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.

14.2 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 [13.11.2](#)) 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.

15 VOTING

15.1 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.

15.2 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.

15.3 Show of hands

Unless a ballot or recorded vote is demanded under rule 16.4 or 16.5, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 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.

15.5 Recorded vote

If the majority of members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

15.6 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.

16 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.

17 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.

18 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded under the [Access to Information Rules](#) in Part 5 of this Constitution or standing order [21](#) (Disturbance by Public).

19 MEMBER'S CONDUCT

19.1 Standing to speak

When a [member](#) speaks at a [Council](#) meeting 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](#).

19.2 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.

19.3 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.

19.4 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.

20 DISTURBANCE BY PUBLIC

20.1 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.

20.2 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.

20.3 General disturbance

If there is a general disturbance making orderly business impossible, the [chairman](#) may adjourn the meeting for as long as he/she thinks necessary.

21 QUORUM OF COMMITTEES/SUB-COMMITTEES

- 21.1 The quorum of Committees/Sub-Committees shall be one-quarter of the whole number of the members of that Committee/Sub-committee provided that the quorum shall not be less than 3 members.*
- 21.2 During any meeting of a Committee/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 does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee/Sub-committee.*
- 21.3 No business shall be transacted at a meeting of the Standards Committee or at a sub-committee of the Standards committee, unless the quorum meets the requirements laid down by the [Local Government Act 2000](#) and Regulations made under the Act. The relevant quorum is three, which must include at least one independent member and, if parish council matters are to be considered, one parish member.*

22 ELECTION OF CHAIRMAN OF COMMITTEE

- 22.1 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:*
 - 22.1.1 By notice of motion under 11.1, or*
 - 22.1.2 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*
- 22.2 In the absence from a meeting of the Chairman and Vice-Chairman the Committee must appoint a Chairman for that meeting.*
- 22.3 A Sub-committee shall appoint a chairman and vice-chairman at its first meeting.*

23 SPECIAL MEETINGS OF THE COMMITTEE

- 23.1 The [Chairman](#) of a Committee may call a special meeting of the Committee at any time.*
- 23.2 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.*
- 23.3 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.*
- 23.4 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.*

24 ENTITLEMENT TO ATTEND MEETINGS

- 24.1 [Members of the Council](#) may attend any Committee or Sub-committee even if they are not a member of it, but must not take part in the proceedings without the consent of the Chairman. and must not vote*

- 24.2 *Members of the public can address council or committee meetings under the terms of any public participation protocol that applies to that meeting or, exceptionally, with the consent of the chairman.*
- 24.3 *If he will be absent from the whole of a committee or sub-committee meeting, a member may authorise a substitute member to represent him. But he must notify the Democratic Services & Member Support Executive Manager, (or her representative) of the intended substitute before the start of the meeting.*
- 24.4 *Substitute members may speak, propose or second motions and amendments and vote as though they were a member of the Committee or Sub-Committee.*

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 of 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

- 27.1 *The ruling of the [Chairman](#) at any [meeting of the Council](#), or a Committee/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.*
- 27.2 *The Chairman must stop any discussion which, in his/her 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, stand adjourned without discussion to the next ordinary meeting of the Council.

Part B - Officer Employment Procedure Rules

1 RECRUITMENT AND APPOINTMENT

1.1 Declarations

- 1.1.1 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.
- 1.1.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant [executive manager](#) (or, if the appointment is of an executive manager, the [Deputy Chief Executive](#)) or an officer nominated by him or her.

1.2 Seeking support for appointment.

- 1.2.1 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.
- 1.2.2 No Councillor will seek support for any person for any appointment with the Council.

2 RECRUITMENT OF CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVE AND EXECUTIVE MANAGERS

Where the Council proposes to appoint a [Chief Executive](#), a [Deputy Chief Executive](#), an [executive manager](#) or any other [Chief Officer](#) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- 2.1 draw up a statement specifying:
 - 2.1.1 the duties of the officer concerned; and
 - 2.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 2.3 make arrangements for a copy of the statement mentioned in 2.1 to be sent to any person on request.

3 APPOINTMENT OF CHIEF EXECUTIVE

The appointment of a Chief Executive may be made either by the full Council or by a Committee or Sub-committee on the Council's behalf. If a Committee or Sub-committee of the Council makes an appointment, the full Council must approve the appointment before any offer of appointment is made to the person concerned. The Committee or Sub-committee must also include at least one member of the [Executive](#).

4 APPOINTMENT OF DEPUTY CHIEF EXECUTIVE

A Committee or Sub-committee of the Council may appoint a [Deputy Chief Executive](#) on the Council's behalf. The Committee or Sub-committee must include at least one member of the Executive.

5 OTHER APPOINTMENTS

5.1 Officers at or below executive manager

- 5.1.1 The function of the appointment of officers at or below [executive manager](#) (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.
- 5.1.2 [Councillors](#) may, however, serve as members of a Committee or Sub-committee established by the Council to consider any appeal by the person appointed against any decision relating to the appointment.

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 Head of Legal Services (the [Monitoring Officer](#)) and the Finance Executive Manager (the [Chief Finance 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 a committee or sub-committee if the full Council has approved the dismissal before any notice of dismissal has been given to him. Also, at least one member of the [Executive](#) must be a member of that Committee or Sub-committee.

8 DISCIPLINARY ACTION – CHIEF OFFICERS

The function of taking [disciplinary action](#) in respect of [Chief Officers](#) other than the Chief Executive may be exercised on the Council's behalf by a Committee or Sub-committee appointed by the Council for that purpose or by an [officer](#) so authorised by the Council. A Committee or Sub-committee appointed for this purpose must include at least one member of the [Executive](#).

9 DISCIPLINARY ACTION – FURTHER PROVISIONS IN RESPECT OF THE CHIEF EXECUTIVE (HEAD OF PAID SERVICE) AND CHIEF OFFICERS

- 9.1 This Rule applies to the dismissal of the Chief Executive (or other officer designated as the [Head of the Paid Service](#)), and any other [Chief Officer](#) by a Committee, a Sub-committee or another officer on the Council's behalf.
- 9.2 Notice of the dismissal of the officer must not be given by the dismissing body or officer until: –

- 9.2.1 the body or officer has notified the [Chief Executive](#) of the name of the person whom the body or officer wishes to dismiss and any other particulars which the dismissing body or officer considers are relevant to the dismissal;
- 9.2.2 the Chief Executive has notified every member of the Executive of:
 - 9.2.2.1 the name of the person whom the dismissing body or officer wishes to dismiss;
 - 9.2.2.2 any other particulars relevant to the dismissal which the dismissing body or officer has notified to the Chief Executive; and
 - 9.2.2.3 the period within which any objection to the dismissal is to be made by the [Executive Leader](#) on behalf of the Executive to the Chief Executive; and either
 - 9.2.2.3.1 the Executive Leader has, within the period specified in the notice under 9.2.2.3, notified the dismissing body or officer that neither he or she nor any other [member of the Executive](#) has any objection to the dismissal;
 - 9.2.2.3.2 the [Chief Executive](#) has notified the dismissing body or officer that no objection was received by him within that period from the [Executive Leader](#); or
 - 9.2.2.3.3 the dismissing body or officer is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.
- 9.3 If at the time when a dismissal of an officer to which this Rule applies takes place there is no Chief Executive, the Chief Executive is absent or unable to act or the dismissal is of the Chief Executive, the functions of the Chief Executive under this Rule shall be discharged by the Deputy Chief Executive or any other officer who is for the time being appointed to act as the [Head of Paid Service](#) of the Council.

10 DISCIPLINARY ACTION – OTHER OFFICERS

- 10.1 The function of the dismissal of, and taking disciplinary action against, [officers](#) below [chief 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.
- 10.2 [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.

11 INTERESTS OF OFFICERS IN CONTRACTS

Each executive manager (including the Head of Legal Services) shall record in a book to be kept for the purpose particulars of any notice given by any officer in his unit under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract. The book must be available for inspection by any member of the Council during office hours.

12 INTERPRETATION

In these Rules;

- 12.1 “Chief Officer” includes any member of staff who is a deputy chief officer within the meaning of Section 2(8) of the Local Government and Housing Act 1989;

- 12.2 “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
- 12.3 “member of staff” means a person appointed to or holding a paid office or employment.

Part C - Contracts Procedure Rules

1 GENERAL

- 1.1 Subject to Rule 1.2, every contract made by or on behalf of the Council shall comply with:
- 1.1.1 these Rules;
 - 1.1.2 the Council’s Financial Regulations;
 - 1.1.3 all relevant statutory provisions, including in particular the Local Government Act 1988, Part II, the Public Contracts Regulations 2006³⁹ and the Local Government (Contracts) Act 1997;
 - 1.1.4 any relevant European Council Directive; and
 - 1.1.5 any direction by the Council or the Cabinet⁴⁰.
- 1.2 These Rules shall not apply or may be varied where or to the extent that:
- 1.2.1 the Council or the Cabinet so resolves;
 - 1.2.2 statute or subordinate legislation prescribes otherwise;
 - 1.2.3 subject to [Rule 18](#), the contract is for consultancy services;
 - 1.2.4 the contract is for the services of counsel, professional witnesses or external solicitors in relation to a specific matter;
 - 1.2.5 the contract is for the supply of goods or services whose price is fixed under or determinable by reference to a framework agreement which has been entered into following the procedure in Rule 6;
 - 1.2.6 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;
 - 1.2.7 the contract relates to goods bought at an auction: or
 - 1.2.8 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 product⁴¹.

39 Reference to repealed regulations removed and replaced by the 2006 regulations following Council meeting of July 23 2007.

40 All references to “the Executive” in the Contract Procedure Rules changed to refer to “the Cabinet” following Council meeting of July 23 2007.

41 1.2.5 to 1.2.8 added following Council meeting of July 23 2007.

2 PROCEDURES

- 2.1 All contracts will be dealt with under one of the procedures set out in Rules [3](#) to 9.
- 2.2 Where a contract could be dealt with under more than one of the procedures, the relevant [chief officer](#) must decide which one of the procedures to use.
- 2.3 Sales of land will be dealt with under [Rule 6](#), subject to the following modifications:
 - 2.3.1 in Rule 6.2, “goods and services” shall be read as “land”; and
 - 2.3.2 the power in [Rule 12.2](#) to accept a tender other than the highest tender may only be exercised subject to the requirements of Section 123 of the Local Government Act 1972 and other relevant legislation.
- 2.4 The discretion of the chief officer under [Rule 2.2](#) is subject to any direction by the Council, a meeting of the [Cabinet](#), the [Chief Executive](#) or his deputy⁴².
- 2.5 Before entering into a contract for the purchase of any goods or services or the execution of any work, the relevant chief officer must obtain written confirmation from the Chief Finance Officer that budgetary provision exists to cover the costs associated with the contract, including any maintenance costs.⁴³

3 PROCEDURE FOR EXEMPT CONTRACTS

- 3.1 This procedure only applies to contracts where:
 - 3.1.1 the contract is an extension of an existing contract;
 - 3.1.2 the goods, materials or works desired are of a proprietary or special character or for other reasons there would be no genuine competition; or
 - 3.1.3 the [Chief Executive](#) certifies that the need for the goods materials or works is so urgent that other procedures cannot practicably be followed.
- 3.2 The procedure is that the relevant chief officer must be satisfied that the arrangements made secure the best available terms to the Council and must report the circumstances to the next available meeting of the [Cabinet](#).

4 PROCEDURE FOR SMALL CONTRACTS

- 4.1 This procedure only applies to contracts where the estimated value of goods and services to be supplied is less than £10,000;⁴⁴
- 4.2 The procedure is that the relevant [chief officer](#) must be satisfied that the arrangements made secure the best available terms to the Council.

5 PROCEDURE FOR MID-RANGE CONTRACTS

- 5.1 This procedure only applies to contracts where the estimated value of goods and services to be supplied is less than £50,000⁴⁵. The procedure is in 5.2 to 5.5.
- 5.2 Under this procedure⁴⁶ the relevant chief officer must invite at least four written quotations.

⁴² Changed from “the relevant executive director” following Council meeting of July 23 2007.

⁴³ Wording changed following Council meeting of July 23 2007.

⁴⁴ Value increased following Council meeting of July 23 2007.

⁴⁵ ditto.

- 5.3 Quotations must be opened at the same time and in the presence of at least two [officers](#) who should include⁴⁷:
- 5.3.1 one officer from the business Unit concerned who had no previous involvement in the bidding process; and
- 5.3.2 the Procurement Officer or his nominee.
- 5.4 The chief officer should normally accept the lowest quotation if payment is to be made by the Council or the highest quotation if payment is to be received by the Council and the details must be recorded in the register of quotations received.
- 5.5 Any other quotation may be accepted only if the Deputy Chief Executive (or, if the tender has been obtained by the Deputy Chief Executive, the [Chief Executive](#)) is satisfied that to do so is in the best interests of the Council. The reasons for and circumstances of acceptance must be recorded in the register of quotations received.

6 OPEN TENDERING

- 6.1 This procedure can apply to contracts of any value. The procedure is in 6.2 to 6.5.
- 6.2 Under this procedure⁴⁸ the relevant [chief officer](#) must give at least 14 but no more than 28⁴⁹ days public notice in one or more local newspapers, on the council's website⁵⁰ and, if the estimated value of goods and services to be supplied exceeds £50,000, (except where 6.4 applies)⁵¹ in one or more appropriate trade journals (if they exist).
- 6.3 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](#) noon⁵² on that date).
- 6.4 Where a contract notice in the appropriate form is placed in the Official Journal of the European Union, there is no need to advertise in a trade journal.⁵³
- 6.5 The procedure for receiving and opening tenders shall be as set out in [Rule 11](#).

7 RESTRICTED TENDERING⁵⁴

- 7.1 This procedure can apply to contracts of any value. The procedure is in 7.2 to 7.8.
- 7.2 Under this procedure⁵⁵ the relevant [chief officer](#) must give at least ten days public notice of the compilation of a list from which persons are to be invited to tender in

46 Words added following Council meeting of July 23 2007.

47 Wording changed and sub-paragraphs added following Council meeting of July 23 2007.

48 Wording added following Council meeting of July 23 2007.

49 Varied following Council meeting of July 23 2007.

50 Wording added following Council meeting of July 23 2007.

51 ditto.

52 Varied following Council meeting of July 23 2007.

53 Added following Council meeting of July 23 2007.

54 Title of rule changed from "Tendering from Ad-hoc List" following Council meeting of July 23 2007.

55 Wording added following Council meeting of July 23 2007.

one or more local newspapers and on the council's website⁵⁶. If the estimated value of goods and services to be supplied exceeds £50,000, (except where 7.4 applies)⁵⁷ it must also be advertised in one or more appropriate trade journals (if they exist).

- 7.3 The notice must set out the nature and purpose of the contract and state the closing date for applications to be included in the list of persons to be invited to tender.
- 7.4 Where a contract notice in the appropriate form is placed in the Official Journal of the European Union, there is no need to advertise in a trade journal.⁵⁸
- 7.5 At least three but no more than six⁵⁹ of the applicants to be included in the list must be invited to tender, except that:
 - 7.5.1 If there were fewer than three⁶⁰ applicants, all must be invited to tender;
 - 7.5.2 If the chief officer, after consulting the Deputy Chief Executive (or, if the chief officer is the Deputy Chief Executive, the [Chief Executive](#)), considers an applicant unsuitable, that applicant need not be invited to tender and the chief officer must record in writing the reasons why that applicant was not so invited.
- 7.6 The invitation to tender must 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](#)⁶¹ on that date).
- 7.7 The closing date for submission of tenders must be no less than 14 and no more than 28 days following the issue of the invitation to tender.⁶²
- 7.8 The procedure for receiving and opening tenders shall be as set out in [Rule 11](#).

8 ELECTRONIC AUCTIONS

- 8.1 This procedure can apply to contracts of any value. The procedure is in 8.2 to 8.10.
- 8.2 Under this procedure⁶³ the relevant [chief officer](#) must give at least ten days public notice of the compilation of a list from which persons are to be invited to bid in one or more local newspapers and on the council's website⁶⁴. If the estimated value of goods and services to be supplied exceeds £50,000, (except where 8.4 applies)⁶⁵ it must also be advertised in one or more appropriate trade journals (if they exist).
- 8.3 The notice must set out the nature and purpose of the contract, state the closing date for applications to be included in the list of persons to be invited to bid and require applications to be sent by email.

56 ditto

57 ditto

58 Added following Council meeting of July 23 2007.

59 Varied following Council meeting of July 23 2007.

60 ditto

61 ditto

62 Added following Council meeting of July 23 2007.

63 Wording added following Council meeting of July 23 2007.

64 ditto

65 ditto

- 8.4 Where a contract notice in the appropriate form is placed in the Official Journal of the European Union, there is no need to advertise in a trade journal.⁶⁶
- 8.5 All of the applicants to be included in the list must be invited to bid, except that if the chief officer, after consulting the Deputy Chief Executive (or, if the chief officer is the Deputy Chief Executive, the [Chief Executive](#)), considers that an applicant is unsuitable or does not have the technical capacity to participate in the tender process, that applicant need not be invited to bid. The chief officer must record in writing why that applicant was not invited to bid.
- 8.6 The invitation to bid must state that the contract is to be let by way of electronic auction and that instructions on how to participate in the auction will be sent by email to those invited to participate.
- 8.7 The instructions must, when considered with any additional guidance and training provided to bidders, be sufficient to allow them to participate in the electronic auction and must set out the start and end times of the auction and the circumstances in which any automatic extensions of time will be triggered.
- 8.8 The tender process must be by way of an auction conducted over the Internet, in which bidding for the contract is conducted openly and in competition between bidders and in which bidders may make unlimited repeat bids.
- 8.9 The “leading bid” is the lowest bid if payment is to be made by the Council or the highest bid if payment is to be received by the Council.
- 8.10 The [chief officer](#) must satisfy himself that the tender process:
 - 8.10.1 allows all bidders to see the amounts of the bids of all other bidders (but not necessarily their identities);
 - 8.10.2 allows all bidders equal access to post their bids;
 - 8.10.3 complies with the start and end times and the extension triggers set out in the instructions to bidders;
 - 8.10.4 Is sufficiently secure to protect the commercial confidentiality of the council and bidders, consistent with the purposes of an electronic auction; and
 - 8.10.5 generates an audit trail of the process.
- 8.11 The chief officer must accept the leading bid at the end time of the auction. Any other bid may be accepted only if the [Finance Executive Manager](#) is satisfied that to do so is in the best interests of the Council. The reasons for and circumstances of that acceptance must then be reported to the next meeting of the [Cabinet](#).

9 TENDERING FROM CONSTRUCTIONLINE⁶⁷

- 9.1 This procedure can apply to contracts of any value. The procedure is in 9.2 to 9.7.
- 9.2 Under this procedure invitations to tender must be limited to appropriately qualified persons included in the Constructionline Register.
- 9.3 At least three but no more than six of such persons must be invited to tender.

⁶⁶ Added following Council meeting of July 23 2007.

⁶⁷ This rule replaced the former rules relating to standing lists following Council meeting of July 23 2007.

- 9.4 Selection of up to half of those persons invited to tender may be on the basis of their previous contracting history with the council. The remainder of the persons invited to tender must be selected at random from those appropriately qualified
- 9.5 The invitation to tender must 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).
- 9.6 The closing date for submission of tenders must be no less than 14 and no more than 28 days following the issue of the invitation to tender.
- 9.7 The procedure for receiving and opening tenders shall be as set out in [Rule 11](#).

10 SPECIFICATIONS AND EVALUATION CRITERIA⁶⁸

An invitation to tender or bid for a contract whose value is estimated to exceed £50,000 must include:

- 10.1 a detailed specification comprising a description of the services, supplies or works that the successful tenderer will be expected to provide. It must incorporate performance targets or criteria for acceptance of the services, supplies or works. It must form the basis of the written contract agreed between the Council and the supplier; and
- 10.2 if criteria in addition to price are to be used, a description of the criteria that the council intends to take into account in deciding which tender to accept and the weighting that it intends to apply to those criteria.

11 OPENING TENDERS

- 11.1 This Rule applies where tenders have been invited using the procedures set out in Rule [6](#), [7](#) or [9](#).
- 11.2 No tender may be considered unless:
 - 11.2.1 it has been recorded as having been received no later than 12.00 noon⁶⁹ on the closing date for the receipt of tenders; and
 - 11.2.2 it has been received in a sealed envelope marked "Tender for [name of contract]" and the envelope had no marking identifying the tenderer.
- 11.3 All tenders must be opened together in the Town Hall or other Council offices.
- 11.4 The following persons must be present when tenders are opened:
 - 11.4.1 a member of the Cabinet;
 - 11.4.2 the Procurement Officer⁷⁰ or an officer nominated by him or her; and
 - 11.4.3 the relevant [chief officer](#) or, if it is impracticable for him or her to attend, another senior [officer](#) of the same [business Unit](#).
- 11.5 At the time of opening of the tenders, the Procurement Officer or his nominee⁷¹ must ensure that a record is made of all the tenders received and their values.

⁶⁸ Added following Council meeting of July 23 2007.

⁶⁹ Varied following Council meeting of July 23 2007.

⁷⁰ Wording changed following Council meeting of July 23 2007.

⁷¹ ditto

12 ACCEPTING TENDERS⁷²

- 12.1 When exercising any delegated power to accept a tender, the chief officer must:
 - 12.1.1 if evaluation criteria were specified in the invitation to tender, accept the tender that scores most highly using the criteria and weightings set out; or
 - 12.1.2 if no such criteria were specified and if he is satisfied as to financial and technical suitability, normally accept the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council.
- 12.2 Any other tender may be accepted only if the [Finance Executive Manager](#) is satisfied that to do so is in the best interests of the Council. The reasons for and circumstances of that acceptance must then be reported to the next meeting of the [Cabinet](#).
- 12.3 No tender that exceeds the pre-tender estimate by more than 20% may be accepted without the approval of a meeting of the Cabinet or a Cabinet member with relevant delegated powers.
- 12.4 No tender that seeks to vary to a material degree any of the terms or conditions set out in the invitation to tender may be accepted unless:
 - 12.4.1 the invitation to tender said that variant tenders will be considered;
 - 12.4.2 the variant tender has been submitted in a separate sealed envelope in addition to a tender that is fully compliant with the tender documentation originally issued; and
 - 12.4.3 the Head of Legal Services has approved it and recorded in writing the effect of the variation and the decision to accept it.
- 12.5 All tenders must be examined for errors and discrepancies. Where that examination reveals errors or discrepancies which would affect the tender figures in an otherwise successful tender, the chief officer must give details of the errors or discrepancies to the tenderer and invite the tenderer to confirm the tender as submitted, or withdraw it. If the tender is withdrawn, consideration of the tenders will then proceed as if that tender had not been submitted.
- 12.6 The successful tenderer should be notified promptly following acceptance of the tender.
- 12.7 All unsuccessful tenderers should be notified promptly and provided with a list of tender prices and tenderers, although the names of the firms submitting bid should not be matched to the prices.

13 POST-TENDER NEGOTIATIONS

- 13.1 After the receipt of tenders, officers may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and a written record made of the reason for contact and the decision made.
- 13.2 Negotiations after the submission of a tender may only be commenced after the chief officer has agreed with the Head of Legal Services the procedures to be adopted. Similarly, any resulting contract must be approved by the Head of Legal Services.

⁷² Rule substantially rewritten following Council meeting of July 23 2007.

14 LATE TENDERS

- 14.1 Any tender received later than 12.00 noon⁷³ on the closing date for the receipt of tenders must be returned as soon as practicable to the sender. The tender may be opened to ascertain the name and address of the sender but no details of the tender may be disclosed. A record must be kept of the receipt of the tender and of its return under this rule.
- 14.2 This rule does not apply to electronic auctions under rule [8](#).

15 NOMINATED SUB-CONTRACTORS

- 15.1 This Rule applies where a sub-contractor or supplier is to be nominated to a main contractor.
- 15.2 If the estimated amount of a sub-contract exceeds £10,000⁷⁴, tenders for the nomination must be invited and dealt with in accordance with these Rules as if the tenders invited were for a contract with the Council, unless the relevant [chief officer](#) considers that it is not reasonably practicable to obtain competitive tenders,
- 15.3 Any invitation for nomination under Rule 15.2 must require the tenderer 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.

16 WRITTEN CONTRACTS

Every contract which exceeds £50,000⁷⁵ in value must be in writing and must specify:

- 16.1 the work to be done, or services or goods or materials to be provided, including any appropriate technical specifications;
- 16.2 the price to be paid, with a statement of discounts or other deductions; and
- 16.3 the time or times within which the contract is to be performed.

17 BRITISH AND EUROPEAN STANDARDS

The contract must require goods and materials to comply with any relevant specification issued by the [British Standards Institution](#) or any European Standard, unless the [chief officer](#) considers it inappropriate.

18 PREVENTION OF BRIBERY

Every contract that exceeds £50,000⁷⁶ 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:

- 18.1 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;

⁷³ Varied following Council meeting of July 23 2007.

⁷⁴ Varied following Council meeting of July 23 2007.

⁷⁵ ditto

⁷⁶ ditto

- 18.2 similar acts have been done by any person employed by the contractor or acting on their behalf; or
- 18.3 the contractor or any person employed by them or acting on their behalf has committed any offence under the Prevention of Corruption Acts 1889 to 1916 or given any fee or reward the receipt of which is an offence under Section 117 of the Local Government Act 1972.

19 CONSULTANTS

These Rules apply to the engagement of consultants, with the proviso that in circumstances requiring flexibility or where there are specialised needs, the relevant chief officer may agree alternative arrangements with the [chief executive](#) or the [Deputy Chief Executive](#).

20 BREACH OF CONTRACTS PROCEDURE RULES

In the event of a significant breach of these Rules, the [Finance Executive Manager](#) shall report details to the next meeting of the [Cabinet](#), with any proposals for remedial action.

Appendix 4

Financial Regulations

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Appendix 4

Financial Regulations

1. INTRODUCTION

- 1.1 In accordance with section 151 of the Local Government Act 1972, the Finance Executive Manager is responsible for the proper administration of the Council's financial affairs. In discharging this duty, the Executive Manager 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 Finance Executive Manager is responsible for issuing advice and guidance to underpin these regulations.
- 1.4 All executive managers shall be responsible for ensuring that all staff in their units comply with these regulations and guidance at all times. Any responsibility imposed under these regulations on executive managers may be exercised by any other officer authorised by the Council or the executive manager.
- 1.5 Any Executive manager that becomes aware of any contravention of the Rules shall notify the Finance Executive Manager, who shall determine the appropriate action.

2. FINANCIAL MANAGEMENT STANDARDS

- 2.1 The Finance Executive Manager 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 Finance Executive Manager.
- 2.3 All systems that form the basis of the Council's financial accounts must be approved by the Finance Executive Manager.
- 2.4 The Finance Executive Manager 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 Each Executive manager 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 The following principles shall be observed at all times:-
 - 3.1.1 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;
 - 3.1.2 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 Finance Executive Manager 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 All Executive managers are required to ensure that all grant claims are submitted to the Finance Executive Manager in time to ensure grant monies are received. All grant claims must be accompanied by the appropriate evidence required to make the claim. The Finance Executive Manager will provide a timetable showing relevant dates by which claims must be submitted. Any delays must be notified to the Finance Executive Manager 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 Finance Executive Manager 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 All Executive managers shall provide all such information as specified by the Finance Executive Manager 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 Committee prior to certification by the external auditor.

4. REVENUE EXPENDITURE

- 4.1 The Finance Executive Manager shall prepare a medium term financial strategy for approval by Council.
- 4.2 Each Executive manager shall provide annually when requested in a timely manner to the Finance Executive Manager all the necessary information for the preparation of an annual revenue budget.
- 4.3 Revenue expenditure is defined as day-to-day operational expenditure that will generally be spent in the next twelve months; e.g., purchases of equipment, salaries, materials, maintenance and repairs.
- 4.4 All Executive managers will have a cash limited budget allocation.
- 4.5 Executive managers shall have the power to incur revenue expenditure to the limit of their budget allocation, subject to the regulations and the Council's Financial Procedure Rules and Scheme of Delegation without further approval, except:-
 - 4.5.1 any revenue expenditure which involves a variation from the Council's approved Policy Framework which must be approved by Council.
 - 4.5.2 any expenditure which leaves the Council with future commitments for which funding has not been identified. This would require Cabinet approval.
 - 4.5.3 any expenditure which triggers a key decision as defined by the Constitution (unless previously delegated to the Executive manager).
- 4.6 In exceptional circumstances, the Council's Urgent Business Procedure may be used compliant with regulation 26.
- 4.7 Virements between revenue budget heads shall be authorised as follows:

- 4.7.1 up to £25,000 by Executive managers;
- 4.7.2 between £25,000 and £50,000 by the Finance Executive Manager;
- 4.7.3 between £50,000 and £100,000 by the Executive Member for Resources;
- 4.7.4 between £100,000 and £250,000 by Cabinet; and
- 4.7.5 over £250,000 by Council.

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

- 4.8 Revenue budget increases supported by new or increased external funding shall be authorised as follows:
 - 4.8.1 up to £50,00 by the Finance Executive Manager;
 - 4.8.2 between £50,000 and £100,000 by the Executive Member for Resources;
 - 4.8.3 between £100,000 and £250,000 by Cabinet; and
 - 4.8.4 over £250,000 by Council.
- 4.9 Requests for approval should be supported by adequate background information; e.g., impact on future years.
- 4.10 Budget increases unsupported by new or increased external funding shall be authorised by Council, except for increases authorised by Cabinet under regulation 5 below.
- 4.11 The Finance Executive Manager has discretion to reflect the slippage of approved revenue budget at outturn in future revenue budgets.

5. CABINET APPROVED UNFUNDED REVENUE BUDGET INCREASE

- 5.1 Revenue budget increases must be approved by Council in accordance with rule 4 above.
- 5.2 The Cabinet may approve a budget increase for one-off unforeseen expenditure with no implication for future years not envisaged at the time the Council's budget was agreed.
- 5.3 The maximum amount of the unfunded budget increase to be approved by Cabinet in any year is £100,000.

6. REVENUE ACCOUNTING AND MONITORING

- 6.1 Executive managers 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.
- 6.2 Executive managers 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 Finance Executive Manager.
- 6.3 Executive managers 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.
- 6.4 All Executive managers shall comply in a timely way with any requests for budget monitoring updates made by the Finance Executive Manager.

7. CAPITAL PROGRAMME

- 7.1 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.
- 7.2 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 Finance Executive Manager will determine whether a scheme will be treated as capital or revenue expenditure.
- 7.3 All Executive managers shall provide annually when requested in a timely manner to the Finance Executive Manager all the necessary information for the preparation of an annual programme of capital expenditure, including progress on existing schemes and new schemes.
- 7.4 Executive managers will have the power to incur capital expenditure, in accordance with these regulations and the Council's Contract Procedure Rules and Scheme of Delegation, on approved schemes without further approval.
- 7.5 No expenditure may be incurred on any scheme in the Capital Programme until a detailed report has been approved by Cabinet (save as to exemption 7.6 below), including as a minimum:
 - 7.5.1 a cost breakdown of the scheme;
 - 7.5.2 the method and cost of financing the scheme;
 - 7.5.3 the future revenue budget impact;
 - 7.5.4 relevant value for money issues;
 - 7.5.5 a risk assessment;
 - 7.5.6 viable alternatives;
 - 7.5.7 details of procurement path and delegations required (if any);
 - 7.5.8 detailed objectives, outputs and outcomes, and
 - 7.5.9 relevant drawings and plans,
 except the cost of preliminary work to produce the above report.
- 7.6 A detailed report is not necessary as set out at regulation 7.5 above in the case of replacement vehicles, equipment and housing renovation grants on a like-for-like basis. In this instance, full scheme approval and authority to contract in accordance with the Contract Procedure Rules will be defined, given by the approval of vehicle replacement within the Capital Programme.

8. CAPITAL MONITORING AND REPORTING REQUIREMENTS

- 8.1 All Executive managers 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.
- 8.2 All Executive managers 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 Finance Executive Manager.

- 8.3 All Executive managers must ensure that funding has been secured as funding for each scheme (if applicable). 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.
- 8.4 Executive managers 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.
- 8.5 Executive managers 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.

9 CAPITAL PROGRAMME - REPHASING

If it becomes necessary to rephase approved expenditure within a current or future year's Capital Programme, then the Finance Executive Manager may undertake such rephasing and report it to the Cabinet portfolio holder for Finance and Efficiency.

10 CAPITAL PROGRAMME - SCHEME OVERSPENDS

- 10.1 The Finance Executive Manager 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 the Capital Monitoring Group.
- 10.2 The Cabinet portfolio holder for Finance and Efficiency will monitor the progress of the five year Capital Programme within the overall limit set by Council.
- 10.3 The Finance Executive Manager may approve increased costs on an individual scheme 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 8.1) or new external funding.
- 10.4 The Cabinet portfolio holder for Finance and Efficiency may approve increased costs on an individual scheme to a maximum of £100,000 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 8.1) or new external funding.
- 10.5 The Cabinet may approve increased costs on an individual scheme up to a maximum of £250,000 provided that it is funded by a virement of resources from one scheme to another within the five year Capital Programme or new external funding.
- 10.6 In all other cases, including where the request is inconsistent with 8.1, an Executive manager must seek Council approval to a budget increase.
- 10.7 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 Finance Executive Manager will advise the Executive manager as to the need and timing for a budget increase. In exercising this judgement, the Finance Executive Manager is authorised to consider the probability, size, and nature of the potential overspend and its impact on the capital programme.

11 NEW CAPITAL SCHEMES

- 11.1 The Cabinet may approve expenditure 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 8.1 in respect of the scheme bearing the virement) or new external funding.

- 11.2 All new schemes in excess of £250,000 or those without a virement or external funding require Council approval.
- 11.3 Requests for approval to either Cabinet or Council must be supported by a report including as a minimum the information requested in Paragraph 7.6.

12 . PAYBACK SCHEMES

- 12.1 Payback schemes are intended to promote efficiency and value for money. Such schemes would generally be used when investment in a service or asset would result in future revenue savings equivalent to the investment.
- 12.2 Payback schemes may be authorised as follows:
 - 12.2.1 up to £50,000 by the Finance Executive Manager;
 - 12.2.2 up to £100,000 by the Executive Member for Resources; and
 - 12.2.3 up to £250,000 by Cabinet.

In all cases the resultant savings must repay the investment within five years and be supported by a costed business case including a risk assessment.

13 BUDGETARY CONTROLS

- 13.1 All Executive managers are required to comply with any budget control guidance issued by the Finance Executive Manager.
- 13.2 All Executive managers are required to review their budget headings 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. Executive managers 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.
- 13.3 Executive managers will report to the Finance Executive Manager achievements against the overall budget position and ensure that all favourable and adverse budget variations are reported to the Finance Executive Manager and the Cabinet portfolio holder for Finance and Efficiency.
- 13.4 With the exception of specific provisions in leases or other such agreements, each Executive manager shall review existing charges at least annually and when requested by the Finance Executive Manager. Any proposals to vary the method of charging or introduce new charges must be submitted to the Finance Executive Manager prior to their introduction for approval and be in accordance with the Council's policy on fees and charges.

14 GRANTS TO EXTERNAL ORGANISATIONS

- 14.1 It is the responsibility of all Executive managers to ensure that organisations in receipt of grant aid (either from the Council's own funds or through external funding) have (as a minimum):-
 - 14.1.1 satisfactorily demonstrated that they are a competent and suitable organisation to receive public money; and
 - 14.1.2 ensure appropriate management and accountability procedures are in place to achieve their aims and objectives; and
 - 14.1.3 ensure that financial propriety is observed.

- 14.2 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.
- 14.3 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.
- 14.4 In grants over £10,000, other additional clauses must be included (as a minimum) in the offer letter/agreement namely:-
- 14.4.1 details of the amount of grant approved; and
 - 14.4.2 the purpose and duration of the grant; and
 - 14.4.3 the arrangements for payment; and
 - 14.4.4 the monitoring and evaluation arrangements; and
 - 14.4.5 the circumstances when grant funding may be terminated.
- 14.5 All Executive managers 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, Executive managers must ensure that the organisation provides financial and statistical information on a quarterly basis and that review meetings with the Executive manager's representative and organisation happen at least twice a year.

15 EXTERNAL FUNDING


- 15.1 In addition to the requirements set out at regulation 3.2 and 3.3, all Executive managers are required to ensure that the Finance Executive Manager is informed of all funding bids and subsequent grant offers.
- 15.2 Executive managers are required to ensure that the acceptance of grant offers (i.e., terms and conditions) are always signed by the Finance Executive Manager where there is a requirement that the Council has to act as the Accountable Body.
- 15.3 Executive managers 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.

16 INTERNAL AUDIT

- 16.1 The Finance Executive Manager is responsible for maintaining an adequate and effective internal audit (in accordance with current regulations) 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.
- 16.2 Internal Audit is responsible for conducting its work in accordance with current professional standards.
- 16.3 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.

- 16.4 Executive managers are required to report any discovered or suspected cases of fraud, corruption or other financial irregularity immediately to the Head of Internal Audit.
- 16.5 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.

17 INCOME

- 17.1 All Executive managers 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.
- 17.2 All Executive managers shall follow guidance issued by the Finance Executive Manager as regards the receipting of all monies.
- 17.3 All cheques, postal orders, money orders and banker's drafts shall be crossed in a manner approved by Finance Executive Manager.
- 17.4 All official receipts must be issued in the form approved by the Finance Executive Manager. All monies received by the Council shall be acknowledged by a receipt in an authorised form.
- 17.5 Executive managers must ensure that all income received is paid in fully and promptly into the Council's bank account in the form in which it's on a daily basis, but where not possible, within five working days of receipt.
- 17.6 All Executive managers must ensure that the appropriate debt recovery procedures are put in place in respect of any outstanding income due to the Council.
- 17.7 Executive managers must ensure that receipts, tickets and other records of income are held securely and for the appropriate retention period.
- 17.8 Executive managers 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.
- 17.9 Income must not be used to cash personal cheques or other payments.
- 17.10 All Executive managers must notify the Finance Executive Manager, 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 Finance Executive Manager.
- 17.11 Once raised, no debt can be cancelled except by full payment or writing off. Any request for writing off a debt must be made to the Finance Executive Manager with supporting evidence for debts up to £25,000. Over £25,000 all requests for write-offs must go to Cabinet for approval. 
- 17.12 Any transfer of money between officers or payments into the bank must be undertaken using agreed procedures without variation.
- 17.13 The Council will not normally accept cash payments exceeding 15,000 Euros (approx £12,000). Any requests for cash payments to this level or above must be referred to the Head of Internal Audit.

18 CONTRACTS

- 18.1 These rules set out internal financial procedures to supplement the Contract Procedure Rules.

- 18.2 Executive managers must ensure that financial appraisals of firms or persons are carried out in relation to all contracts in excess of £50,000.
- 18.3 Rule 18.2 applies to all Contracts (except land and employment contract and any others deemed not applicable by the Finance Executive Manager) including contracts for buildings, developers, insurance companies, franchise agreements and leasing companies.
- 18.4 All financial appraisals shall be carried out in accordance with procedures determined by the Finance Executive Manager.
- 18.5 All Executive managers shall consult with the Finance Executive Manager as to the type and level of security (if required) from a preferred supplier for all contracts over £50,000.
- 18.6 Payments to contractors on account, shall be authorised only on a certificate signed by an Executive manager (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.
- 18.7 All Executive managers must ensure that payments are made against contractors' certificates. The Council must issue an authenticated receipt to the contractor within a period of three months. All variations must be agreed in advance by Legal Services.

19 ORDERING AND PAYING FOR WORKS, GOODS AND SERVICES

- 19.1 All Executive managers shall ensure that the purchase of equipment, goods, materials and engagement of services shall be effected through the most economical and practical means. All Executive managers shall ensure that expenditure is incurred in accordance with the Council's Contract Procedure Rules and the principles of any Corporate Procurement Strategy.
- 19.2 All Executive managers 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 Finance Executive manager in advance.
- 19.3 Each officer authorising a requisition, who shall be properly authorised to do so in agreement with the Finance Executive Manager, 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.
- 19.4 Verbal orders shall only be given in emergencies and must be confirmed by an authorised official order on the same or next working day.
- 19.5 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.
- 19.6 All invoices for goods and services shall be processed in accordance with agreed procedures.
- 19.7 All Executive managers 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.

- 19.8 All accounts shall be paid in accordance with procedures agreed with the Finance Executive Manager.
- 19.9 Payment must not be made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:-
- 19.9.1 receipt of works/goods/services;
 - 19.9.2 that the invoice has not been previously paid;
 - 19.9.3 that expenditure has been properly incurred;
 - 19.9.4 that the prices and arithmetic are correct;
 - 19.9.5 correct accounting treatment of tax;
 - 19.9.6 that the invoice is correctly coded;
 - 19.9.7 discounts have been taken where appropriate; and
 - 19.9.8 appropriate entries made on accounting records.
- 19.10 Any special arrangements for payment of a creditor must be approved by the Finance Executive Manager.
- 19.11 In the event that goods, materials or services are not supplied in accordance with orders placed, all Executive managers 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.
- 19.12 The Finance Executive Manager 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 Finance Executive Manager by the Executive manager concerned.

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

- 20.1 All Executive managers are responsible for ensuring they comply with the security protocols as set by the Finance Executive Manager with regard to the use of the Council's electronic communication and electronic financial systems.
- 20.2 All Executive managers shall be responsible for maintaining all relevant supporting documentation for electronic orders within their departments.
- 20.3 All non-catalogue orders must be approved by an authorising officer of the spending unit (who shall be properly authorised to do so in agreement with the Executive manager). 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 Finance Executive Manager. The authorising officer shall be responsible for ensuring that the order is properly completed.
- 20.4 16.16 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 Finance Executive Manager. 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:-

- 20.4.1 An account when presented will be properly payable by the Council;
and
- 20.4.2 Proper entries have been made in inventories, stores and other
property records or registers.
- 20.5 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.

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

- 21.1 All orders for goods or services shall be issued on official order forms in a manner
and form agreed by the Finance Executive Manager. All Executive managers shall be
responsible for the issuing and safe custody of order books.
- 21.2 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.
- 21.3 A further appropriate officer shall initial the certification grid on each account as
evidence that:-
 - 21.3.1 each account has been checked against an official order and has not
been previously passed to the Finance Executive Manager and that the
order has been properly complied with;
 - 21.3.2 prices are correct and in accordance with contracts or quotations and
that relevant discounts have been deducted;
 - 21.3.3 arithmetic calculations are correct.
- 21.4 Manual orders may be placed by facsimile, so long as regulations 21.1 - 21.3 have
been complied with.
- 21.5 Payment in advance for works, goods or services should only be used in exceptional
circumstances e.g. training, publications, travel arrangements.

22 SALARIES AND ALLOWANCES

- 22.1 The Finance Executive Manager shall approve the method of payroll, preparation,
payment, documents and records to be kept (including retention) and the certificates
to be given for wages.
- 22.2 Each Executive manager shall be responsible for the completion of timesheets,
incentive/bonus schemes, overtime claims by employees under his control by
certification by himself.
- 22.3 All recipients of car allowances shall maintain, in a form required by the Finance
Executive Manager, a record of all journeys with supporting mileage details claimed
and shall produce as required other such relevant records and documents.

23 INSURANCE

- 23.1 The Democratic Services and Member Support Executive Manager 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.

- 23.2 All Executive managers shall notify the Democratic Services and Member Support Executive Manager 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.
- 23.3 All Executive managers shall immediately notify the Democratic Services and Member Support Executive Manager of any fire, loss, accident or other event that may give rise to a claim against the Council's insurers.

24 TAXATION

- 24.1 In line with the Asylum and Immigration Act 1996, it is the responsibility of all Executive managers to ensure that all new employees provide a National Insurance Number.
- 24.2 All Executive managers 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).
- 24.3 All Executive managers must adhere to guidelines issued for the application of VAT, timing and coding.

25 TREASURY MANAGEMENT AND BANKING

- 25.1 The CIPFA Code of Practice on Treasury Management requires the Council to review, approve and adopt a Treasury Management Strategy.
- 25.2 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.
- 25.3 The Finance Executive Manager is required to report to the Cabinet in accordance with all statutory requirements on treasury management activities.
- 25.4 No bank accounts shall be opened or closed in connection with any Council business without the prior approval of the Finance Executive Manager. Arrangements for the ordering and issuing of cheques shall be by the Finance Executive Manager. All cheques drawn shall be signed by Finance Executive Manager or officer nominated for the purpose.
- 25.5 All Executive managers shall follow any instructions on banking arrangements as issued by the Finance Executive Manager.

26 TRUST FUNDS HELD FOR THIRD PARTIES

- 26.1 All Executive managers 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 Finance Executive Manager, unless the deed provides otherwise.
- 26.2 All Executive managers must ensure that trust funds are held on behalf of third parties, for their secure administration, approved by the Finance Executive Manager and to maintain written records of all transactions.
- 26.3 All Executive managers must ensure that trust funds are operated within any relevant system and the specific requirements for each trust.

27 CASH DISBURSEMENTS

- 27.1 The Finance Executive Manager may authorise Executive managers to hold individual cash or bank imprest accounts to meet minor expenditure incurred by the Council. The Finance Executive manager shall authorise the level of such accounts and expenditure should not exceed the set amount approved.
- 27.2 Subsistence claims should only be paid out of petty cash in exceptional circumstances.
- 27.3 Car allowances shall be paid out of the car allowance system.
- 27.4 All Executive managers must ensure that where cash or bank imprest accounts are operating, all employees:-
 - 27.4.1 obtain and retain vouchers to support each payment from the imprest account;
 - 27.4.2 where appropriate, obtain an official VAT invoice;
 - 27.4.3 make adequate safety for safe custody of the account;
 - 27.4.4 produce on demand to the Finance Executive Manager the cash and vouchers to the value of the account;
 - 27.4.5 record transactions promptly;
 - 27.4.6 reconcile and balance the accounts at least monthly; reconciliation sheets to be signed and retained by imprest holder;
 - 27.4.7 provide Finance Executive Manager with a certificate of value as at 31 March;
 - 27.4.8 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.

28 STOCKS AND STORES AND NON-LAND ASSETS

- 28.1 All Executive managers 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 Finance Executive Manager. Stores and inventory records shall be kept in a format approved by the Finance Executive Manager.
- 28.2 All Executive managers shall ensure that a system of continuous and controlled stock taking is in operation.
- 28.3 All Executive managers 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 Finance Executive Manager.
- 28.4 Any disposal or surplus stores shall be in accordance with procedures laid down by the Finance Executive Manager.
- 28.5 All non-land assets other than stocks and stores must have a disposal policy.

29 CUSTODY AND SECURITY OF ASSETS

- 29.1 All Executive managers shall be responsible for ensuring that secure arrangements are made for the safe custody of land, buildings, cash and other property including that owned by third parties under that Executive manager's control.

- 29.2 All inventories shall be prepared and kept up to date by each Executive manager for every Council establishment in accordance with guidelines issued by the Finance Executive Manager.
- 29.3 Each Executive manager 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 Executive manager. If it is necessary to transfer keys; e.g., due to shift changes, then all transfers must be recorded and records maintained.
- 29.4 The Head of Legal Services shall be responsible for the custody of all legal deeds, agreements and contract documents. All Executive managers are required to ensure that all such documents are lodged with Legal Services.
- 29.5 Each Executive manager 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 Finance Executive Manager and shall include details of usage, location visits, mileage, fuel, repairs and cost of repairs.
- 29.6 Each Executive manager shall ensure that secure arrangements are made for the physical security of the property in which ICT equipment is placed.
- 29.7 All Executive managers 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 and the Freedom of Information Act 2000 and other appropriate legislation.
- 29.8 All Executive managers must ensure compliance with arrangements made to secure and safeguard computer software, hardware and data as issued by the Policy & Performance Executive Manager

30 RISK MANAGEMENT

All Executive managers shall be responsible for the effective management of risk within their departments and ensure compliance with the Council's Corporate Risk Strategy and any guidance issued by the Democratic Services and Member Support Executive Manager.

31 URGENT BUSINESS PROCEDURE

- 31.1 The procedure for urgent business outside the budget and policy framework is set out in the Budget and Policy Framework Rules.
- 31.2 This procedure overrides the provisions of these rules set out in rules 4 and 6.

Appendix 5

Other Procedure Rules

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Appendix 5

Other Procedure Rules

Part A - Access to Information Procedure Rules

SECTION I – GENERAL PROVISIONS

1 SCOPE

- 1.1 Section II of these Rules applies to:
- 1.1.1 all meetings of the [Council](#) and Committees and Sub-committees of the Council; and
 - 1.1.2 meetings of the [Executive](#) and Committees of the Executive that are held in public.
- 1.2 [Rule 11](#) specifies the circumstances in which meetings of the Executive and Committees of the Executive must be held in public.
- 1.3 [Section III](#) of these Rules applies to meetings of the Executive and Committees of the Executive.

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.

SECTION II – GENERAL ACCESS RULES

3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the [exceptions](#) set out in these Rules.

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").

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 at least three clear days before the meeting. If an item is added to the agenda later than three 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 [web site](#) as soon as they have been finalised.

7 ACCESS TO MINUTES ETC AFTER MEETINGS

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

- 7.1 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);
- 7.2 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;
- 7.3 the agenda for the meeting; and
- 7.4 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:

- 8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 8.1.2 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.

8.2 Public inspection 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.

9 SUMMARY OF PUBLIC 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 kept at the [designated office](#) and available to the public.

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):

Categories

- 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.

SECTION III – THE EXECUTIVE

11 MEETINGS IN PUBLIC

- 11.1 Meetings of the executive and its committees will be open to the public except in circumstances where a committee of the council could exclude the public. Members of the council who are not members of the executive can always attend such meetings.
- 11.2 When a meeting is held in public, the Rules in [Section II](#) apply, in addition to such of the Rules in this Section as are applicable.

12 MEANING OF “KEY DECISION”

A key decision means a decision that is likely:

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

13 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule [15](#) (General exception) and Rule [16](#) (Special Urgency), a key decision may not be taken in respect of a matter unless:

- 13.1 the matter has been listed in a previously published Forward Plan;
- 13.2 at least 3 clear days have elapsed since the publication of that Forward Plan; and
- 13.3 where the decision is to be taken at a meeting of the [Executive](#) or a Committee of the Executive, notice of the meeting has been given in accordance with [Rule 4](#) (Notice of Meetings).

14 FORWARD PLANS

14.1 Period Covered

The Council will publish forward plans on behalf of the [Executive Leader](#). They will cover a period of four months, beginning with the first day of any month. They are to be prepared on a monthly basis. Subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents

A Forward Plan will contain the matters which the Executive Leader has reason to believe will be the subject of a key decision to be made by the Executive, a Committee of the Executive, individual [members of the Executive](#) or [officers](#) in the course of the discharge of an [Executive function](#) during the period covered by the plan. It will describe the following particulars, in so far as the information is available or might reasonably be obtained:

- 14.2.1 the matter in respect of which a decision is to be made;
- 14.2.2 where the decision-maker is an individual, his or her name and designation, if any;
- 14.2.3 where the decision-maker is a body, its name and details of its membership;
- 14.2.4 the date on which, or the period within which, the decision will be taken;

- 14.2.5 the identity of the principal groups or organisations the decision-maker proposes to consult before taking the decision;
- 14.2.6 the means by which any such consultation is proposed to be undertaken;
- 14.2.7 the steps that may be taken by any person who wishes to make representations to the [Executive](#) or decision-maker about the matter in respect of which the decision is to be made and the date by which those steps must be taken; and
- 14.2.8 a list of the documents submitted to the decision-maker for consideration in relation to the matter.

14.3 Publication

The Forward Plan must be published at least 14 days before the start of the period covered and will be posted on the council's [web site](#). In addition, the [Chief Executive](#) will publish once a year a notice in at least one newspaper circulating in the Borough, stating:

- 14.3.1 that [key decisions](#) are to be taken on behalf of the Council;
- 14.3.2 that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- 14.3.3 that the Plan will contain details of the key decisions to be made for the four months period following its publication;
- 14.3.4 that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- 14.3.5 that each Plan will contain a list of the documents submitted to the decision-makers for consideration in relation to the key decisions on the Plan;
- 14.3.6 the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan are available;
- 14.3.7 that other documents may be submitted to decision-makers;
- 14.3.8 the procedure for requesting details of documents (if any) as they become available; and
- 14.3.9 the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

14.4 Confidential or Exempt Information

Where it is likely that the public will be excluded from a meeting during consideration of any matter, the relevant Forward Plan must contain particulars of the matter, but:

- 14.4.1 the Forward Plan may not contain [the confidential or exempt information](#); and
- 14.4.2 the documents containing the information need not be disclosed.

15 KEY DECISIONS - GENERAL EXCEPTION

If a matter that is likely to be a [key decision](#) has not been included in a Forward Plan, then subject to Rule 16 (Special Urgency), the decision may still be made if:

- 15.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;

- 15.2 the [Chief Executive](#) has, by notice in writing, informed the Chairman of a relevant [Scrutiny committee](#), or if there is no such person, each member of that committee, of the matter upon which the decision is to be made;
- 15.3 the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- 15.4 at least 3 clear days have elapsed since the Chief Executive complied with 15.1 and 15.2 above.

16 KEY DECISIONS - SPECIAL URGENCY

- 16.1 If a matter that is likely to be a [key decision](#) has not been included in a [Forward Plan](#) and, because of the date by which a decision needs to be made, Rule 15 (General Exception) cannot be followed, the decision may only be made if the decision-maker (if an individual) or, if the decision-maker is a body, its Chairman, obtains the agreement of the Chairman of a relevant Scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred.
- 16.2 If there is no Chairman of a relevant Scrutiny committee or that Chairman is unable to act, the agreement of the [Mayor](#), or in his or her absence, the Deputy Mayor, shall be obtained instead.
- 16.3 The [Executive Leader](#) shall submit to the Council at quarterly intervals a report containing details of each executive decision made during the preceding three months where the making of the decision was agreed as urgent under this Rule. The report shall include:
 - 16.3.1 particulars of each decision made; and
 - 16.3.2 a summary of the matters in respect of which each decision was made.

17 KEY DECISIONS – CONTRAVENTIONS

- 17.1 If a relevant [Scrutiny committee](#) thinks a [key decision](#) has been made that was not:
 - 17.1.1 included in the Forward Plan; or
 - 17.1.2 made in accordance with the General Exception procedure in Rule 15 or the Special Urgency procedure in Rule 16

the Committee may require the [Executive](#) to submit a report to the [Council](#).
- 17.2 The Executive will then prepare a report for submission to the next Ordinary Meeting of the Council. However, if the next meeting of the Council is within 7 days of the resolution of the Committee, the report may instead be submitted to the next Ordinary Meeting after that. The report to Council will set out particulars of the decision, the individual or body that made the decision and, if the [Executive Leader](#) is of the opinion that it was not a [key decision](#), the reasons for that opinion.

18 RECORDS OF DECISIONS

- 18.1 As soon as reasonably practicable after a meeting of the [Executive](#) or a Committee of the Executive, whether held in public or private, the Democratic Services & Member Support Executive Manager or the [officer](#) representing her will produce a record of every decision taken at that meeting. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

- 18.2 The policy and practice of the Council is that the Democratic Services & Member Support Executive Manager should be present or represented at every such meeting. However if she is neither present nor represented at a meeting, the person presiding at the meeting must ensure that the required record is produced.

19 EXECUTIVE DECISIONS BY INDIVIDUALS

19.1 Reports intended to be taken into account

Where an individual [Executive Member](#) or an officer receives a report which he or she intends to take into account in making a key decision, he or she shall not make the decision until the report has been available for inspection by the public for at least 3 clear days. He or she shall also ensure that the Democratic Services & Member Support Executive Manager or an officer on her behalf makes the report available for inspection by the public as soon as is reasonably practical after the Member or officer receives it.

19.2 Copies of reports for Scrutiny committee Chairmen

Where a report has been submitted to an individual Executive Member or an [officer](#) with a view to it being considered by him or her when making a [key decision](#), the person who submitted the report shall as soon as is reasonably practicable supply a copy of it to the Chairman of every relevant [Scrutiny committee](#).

19.3 Background Papers

The Democratic Services & Member Support Executive Manager or an officer on her behalf will ensure that any report required to be available for inspection by the public as provided in Rule 19.1 above contains a list of the [background papers](#) and that they are available for inspection by the public. In this Rule, “background papers” has the same meaning as in [Rule 8.1](#).

19.4 Records of Decisions – Individual Members

- 19.4.1 As soon as reasonably practicable after an executive decision has been taken by an individual [Executive Member](#) (whether or not it is a key decision), he must produce, or instruct the Democratic Services & Member Support Executive Manager or an [officer](#) to produce, a written statement in respect of the decision. That statement must include:
- 19.4.1.1 a record of the decision;
 - 19.4.1.2 a record of the reasons for the decision;
 - 19.4.1.3 details of any alternative options considered and rejected by the Member at the time he or she made the decision;
 - 19.4.1.4 a record of any conflict of interest declared by any other Executive Member who was consulted by the Member, in relation to the decision; and
 - 19.4.1.5 In respect of any declared interest a note of any dispensation granted by the Council's [Standards Committee](#).

19.5 Records of Decisions – Individual Officers

- 19.5.1 As soon as reasonably practicable after an [officer](#) has made a decision which is a [key decision](#) it is his or her legal duty to produce a written statement which must include:

- 19.5.1.1 a record of the decision;
 - 19.5.1.2 a statement of the reasons for the decision;
 - 19.5.1.3 details and any alternative options considered and rejected by the officer at the time he or she made the decision;
 - 19.5.1.4 a record of any conflict of interest declared in relation to the decision by any Executive Member who was consulted by the officer who made the decision; and
 - 19.5.1.5 In respect of any declared interest in relation to the decision a note of any dispensation granted by the Council's Standards Committee.
- 19.5.2 There is no legal requirement for a written statement to be prepared in respect of an individual executive decision made by an [officer](#) that is not a key decision. It is nevertheless the policy and practice of the Council that a written statement shall be prepared in respect of every such decision by the officer who makes it.

Part B - Budget and Policy Framework Procedure Rules

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council is responsible for the adopting Policy Documents, as provided for in [Article 4](#) of the Constitution. The [Executive](#) is responsible for implementing the Policy Documents and keeping expenditure within Budgets. The Executive also has overall responsibility for submitting [Policy Proposals](#) for the Council to consider.

2. THE BUDGET AND POLICY FRAMEWORK PROCESS

The process by which the [Policy Documents](#) are to be developed and approved or adopted is as follows:

- 2.1 Any [member](#) of the Council may at any time put forward a Policy Proposal to the appropriate scrutiny committee.
- 2.2 At the start of each municipal year, the Executive will decide what Policy Documents need to be adopted during that year and set out a timetable for them to be considered and adopted in accordance with this rule.
- 2.3 The Executive will, as and when appropriate, invite scrutiny committees to draw up [Policy Proposals](#).
- 2.4 Policy Proposals drawn up by a scrutiny committee will be reported to the [executive](#). The executive may adopt or amend the proposals of a scrutiny committee or may substitute proposals of its own.
- 2.5 Policy Proposals adopted by the executive will be reported to the [council](#). The Council will then consider the proposals of the Executive and may (subject to 2.6) approve or adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.
- 2.6 If the Council is minded to reject or significantly amend any Policy Proposal of the Executive, it must, before doing so, ask the [Executive](#) to reconsider the proposal in the light of its objections.
- 2.7 Where the Council has asked the Executive to reconsider a Policy Proposal under rule 2.7, the [Executive Leader](#) may, within a period specified by the council (which must not be shorter than fourteen working days):

- 2.7.1 submit a revision of the Policy Proposal as amended by the Executive, with the Executive's reasons for any amendments, to the Council for its consideration; or
 - 2.7.2 inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- 2.8 When the executive leader has responded under 2.8 to a request from the council, or the period specified by the council for doing so has run out, the council will consider the Policy Proposal again in the light of any response from the executive leader and may approve or adopt it, amend it or substitute its own proposals in its place.
- 2.9 Nothing in this rule applies to any matter covered by rule 3.

3. BUDGET CALCULATIONS

- 3.1 Subject to [3.5](#) below, where, before 8th February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:
- 3.1.1 estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - 3.1.2 estimates of other amounts to be used for the purposes of such a calculation;
 - 3.1.3 estimates of such a calculation; or
 - 3.1.4 amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and, following consideration of those estimates or amounts, the [Council](#) has any objections to them, it must take the action set out in 3.2 below.
- 3.2 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in 3.3.1 or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the [Executive Leader](#) of any objections which it has to the [Executive's](#) estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 3.3 Where the Council has asked the Executive to reconsider its estimates or amounts under rule 3.2, the Executive Leader may, within a period specified by the council (which must not be shorter than five working days):
- 3.3.1 submit a revision of the estimates or amounts as amended by the Executive, with the Executive's reasons for any amendments, to the Council for its consideration; or
 - 3.3.2 inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- 3.4 When the period specified by the Council under 16.8 above has expired, the Council must, when making calculations (whether originally or by way of substitute) in

accordance with the Sections referred to in 16.6.1 or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –

- 3.4.1 any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- 3.4.2 the Executive's reasons for those amendments;
- 3.4.3 any disagreement that the [Executive](#) has with any of the Council's objections; and
- 3.4.4 the Executive's reasons for that disagreement,

which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.

3.5 3.1 to 3.4 do not apply in relation to –

- 3.5.1 calculations or substitute calculations which the Council is required to make in accordance with Sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- 3.5.2 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Sections 52J or 52U of that Act.

4. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1. Subject to the [financial regulations](#) in appendix 4, the [Executive](#), a Committee of the Executive, an individual [member of the Executive](#) or an [officer](#) discharging [executive functions](#) may only take decisions that are in accordance with the [Budget](#) and the [Policy Framework](#). If any of those bodies or persons wishes to make a decision that is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by the Council, that decision may, subject to [5](#) below, only be taken by the [Council](#).
- 4.2. Any question as to whether a decision or proposed decision is in accordance with the [Budget](#) is to be determined in the first instance by the Finance Executive Manager as the Council's [Chief Finance Officer](#).
- 4.3. Any question as to whether a decision or proposed decision is in accordance with the Policy Framework is to be determined in the first instance by the Head of Legal services as the Council's [Monitoring Officer](#).
- 4.4. Where there may be doubt as to whether a proposed decision is in accordance with the Budget or the Policy Framework it is the responsibility of the person or body who proposes to make the decision to take advice from the appropriate officer.

5. URGENT DECISIONS OUTSIDE BUDGETS OR POLICY FRAMEWORKS

- 5.1. The [Executive](#), a Committee of the Executive, an individual [member of the Executive](#) or an [officer](#) discharging [executive functions](#) may only take a decision that is contrary to the [Policy Framework](#) or contrary to or not wholly in accordance with the [Budget](#) if:
 - 5.1.1. the decision is a matter of urgency;
 - 5.1.2. the Chairman of a relevant [Scrutiny committee](#) agrees that is the case; and
 - 5.1.3. it is not practical to convene a [quorate](#) meeting of the Council.

- 5.2. When a decision is made pursuant to Rule 5.1, the record of the decision shall state the reason why the decision was considered to be a matter of urgency, the fact that the Chairman of the relevant Scrutiny committee agreed the urgency and the reason why it was considered not practical to convene a quorate meeting of [full Council](#).
- 5.3. In the absence of a Chairman of a relevant Scrutiny committee, the agreement required under 5.1 above may instead be given by the [Mayor](#) or, in the absence of both, by the Deputy Mayor.
- 5.4. When a decision has been made pursuant to 5.1 above, the body or person who made it shall submit a report to the next Ordinary Meeting of the Council meeting explaining the decision, the reasons for it and why it was treated as a matter of urgency.

6. IN-YEAR CHANGES TO POLICY FRAMEWORKS

The Council adopts the [Budget](#) and the [Policy Framework](#). Every Executive Decision must be in accordance with them unless the Council gives its approval, which may be:

- 6.1. given generally in advance respect of particular policies or strategies or particular circumstances; or
- 6.2. given in respect of specific proposals or decisions brought before the Council for separate consideration.

7. REVIEW OF WHETHER DECISIONS ARE OUTSIDE BUDGETS OR POLICY FRAMEWORKS

- 7.1. If the relevant [Scrutiny committee](#) believes that an [executive decision](#) is or would be not in accordance with the [Policy Framework](#) or contrary to or not wholly in accordance with the [Budget](#), it may call for a report from the [Monitoring Officer](#) or [Chief Finance Officer](#).
- 7.2. The officer shall then prepare the report.
- 7.3. The Council shall meet to consider the matter within 21 days.
- 7.4. At the meeting, the Council shall consider the report of the officer and may then either:
 - 7.4.1. endorse a decision or proposal of the Executive or any other body or person on its behalf as falling within the existing [Budget](#) or [Policy Framework](#);
 - 7.4.2. amend the Budget or Policy Framework so as to encompass the decision or proposal of the body or person and agree to the decision with immediate effect; or
 - 7.4.3. if the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Policy Framework or Budget to accommodate it, require the [Executive](#) to reconsider the matter in accordance with the advice of the officer.

Part C - Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1. Who may make executive decisions?

The arrangements for the discharge of [executive functions](#) may be set out in the [executive arrangements](#) adopted by the Council. If they are not set out there, then the [leader](#) may decide how they are to be exercised. In either case, the arrangements or the leader may provide for executive functions to be discharged by:

- 1.1.1 the executive as a whole;
- 1.1.2 a committee of the executive;
- 1.1.3 an [individual member](#) of the executive;
- 1.1.4 an [officer](#);
- 1.1.5 [joint arrangements](#); or
- 1.1.6 [another](#) local authority.

1.2. Delegation by the leader

At the annual meeting of the Council, the [leader](#) will present to the Council a written record of delegations made by him/her for inclusion in the Councils scheme of delegation at [part D or E of appendix 2](#) to this Constitution, as appropriate. The document presented by the leader will contain the following information about [executive functions](#) in relation to the coming year:

- 1.2.1. the names of the people appointed to the [executive](#) by the leader;
- 1.2.2. the extent of any authority delegated to executive members [individually](#), including details of any limitation on their authority;
- 1.2.3. the terms of reference and constitution of such committees of the executive as the leader appoints and the names of executive members appointed to them;
- 1.2.4. the nature and extent of any delegation of executive functions to any [other](#) authority or any [joint arrangements](#) and the names of those executive members appointed to any joint committee for the coming year; and
- 1.2.5. the nature and extent of any delegation to [officers](#) with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3. Sub-delegation of executive functions

- 1.3.1. Where the [executive](#), a committee of the executive or an [individual member](#) of the executive is responsible for an [executive function](#), they may not delegate further to joint arrangements or an officer unless the leader consents.
- 1.3.2. Unless the leader directs otherwise, if the [leader](#) delegates functions to the executive, the executive may not delegate further to a committee of the executive or to an officer.

- 1.3.3. Unless the leader directs otherwise, a committee of the executive to whom functions have been delegated by the leader may not delegate further to an officer.
- 1.3.4. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4. The Councils scheme of delegation and executive functions

- 1.4.1. Subject to 1.4.2 the Councils scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in [Article 7](#) and set out in [Part D of appendix 2](#).
- 1.4.2. If the [leader](#) is mandated to decide whether to delegate [executive functions](#), he may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the [executive](#) as a whole. The proper officer will present a report to the next ordinary meeting of the [Council](#) setting out the changes made by the leader.
- 1.4.3. Where the leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

1.5. Conflicts of Interest

- 1.5.1. Where the leader has a conflict of interest this should be dealt with as set out in the Councils Code of Conduct for Members in [appendix 6](#).
- 1.5.2. If every [member](#) of the executive has a conflict of interest this should be dealt with as set out in the Councils Code of Conduct for Members in [appendix 6](#).
- 1.5.3. If the exercise of an [executive function](#) has been delegated to a committee of the executive, an individual member or an [officer](#), and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Councils Code of Conduct for Members in [appendix 6](#).

1.6. Executive meetings when and where?

The [executive](#) will meet at least four times in each municipal year. Each meeting will start at 7.00 p.m. and be held in the Town Hall, St Annes, unless in either case the [leader](#) decides otherwise.

1.7. Quorum

- 1.7.1. The quorum for a meeting of the executive shall be one quarter of the total number of members of the executive (including the leader), or 3 (including the leader), whichever is the larger.

- 1.7.2. The quorum for a meeting of a committee of the executive shall be one quarter of the total number of members of the committee, or 3, whichever is the larger.

1.8. How are decisions to be taken by the executive?

- 1.8.1. Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in [Part A of appendix 5](#).
- 1.8.2. Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1. Who presides?

The [leader](#) will preside at any meeting of the [executive](#) or its committees at which he/she is present, or may appoint another person to do so.

2.2. Who may attend?

- 2.2.1. Meetings of the executive and its committees will be open to the public except in circumstances where a committee of the council could exclude the public. Members of the council who are not members of the executive can always attend such meetings. Only members of the executive may speak at meetings of the executive or its committees except as set out in 2.2.2
- 2.2.2. A councillor who is not a member of the executive can ask a question at any meeting of the executive provided that the question:
 - 2.2.2.1. is considered by the leader to be relevant to some item to be discussed at that meeting; and
 - 2.2.2.2. has been submitted in writing to the Chief Executive by 10.00 a.m. on the day preceding the meeting at which it is to be asked⁷⁷.
- 2.2.3. The councillor submitting the question will be invited to the Cabinet table to put the relevant question and may ask a supplementary question following the response.

2.3. What business?

At each meeting of the executive the following business will be conducted:

- 2.3.1. Public Platform as described in 2.4;
- 2.3.2. consideration of the minutes of the last meeting;
- 2.3.3. declarations of interest, if any;

⁷⁷ Amended following cabinet decision of 13 September 2006

- 2.3.4. matters referred to the [executive](#) (whether by [a Scrutiny committee](#) or by the Council) for reconsideration by the executive in accordance with the provisions contained in the [Overview and Scrutiny Procedure Rules](#) or [the Budget and Policy Framework Procedure Rules](#) set out in this appendix;
- 2.3.5. consideration of reports from Scrutiny committees; and
- 2.3.6. matters set out in the agenda for the meeting, which shall indicate which are [key decisions](#) and which are not in accordance with the Access to Information Procedure rules set out in this appendix.

2.4. 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 the executive about matters on its agenda. The first fifteen minutes of each meeting of the executive will be available for Public Platform. Public Platform will be conducted as set out below.

- 2.4.1. The Leader or other person presiding at the meeting will begin the meeting by inviting any person (other than a councillor) who is present at the meeting and lives or works in the council's district to address the executive about any item or items on the agenda for the meeting.
- 2.4.2. No person may address the meeting for longer than three minutes, even if he wishes to talk about more than one item on the agenda.
- 2.4.3. The executive meeting will listen to a speaker in silence and may address any point raised by a speaker when the item to which it relates is discussed.
- 2.4.4. If it appears to the Leader or other person presiding at the meeting may require a person addressing the meeting to stop speaking if he considers that the speaker is behaving in a manner that is insulting, offensive or inflammatory.
- 2.4.5. The Leader or other person presiding at the meeting may extend the time allocated for Public Platform if he considers that doing so would assist the executive in its deliberations.

2.5. Consultation

All reports to the [executive](#) from any [member of the executive](#) or an [officer](#) on proposals relating to [the budget and policy framework](#) must contain details of the nature and extent of consultation with stakeholders and relevant [Scrutiny committees](#), and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.6. Who can put items on the executive agenda?

- 2.6.1. The [leader](#) may put on the agenda of any executive meeting any matter which he wishes, whether or not authority has been delegated to the [executive](#), a committee of it or any member or officer in respect of that matter.
- 2.6.2. No item may be placed on the agenda of any executive meeting without the consent of the leader. In deciding whether to place an item on the agenda, the leader may consult any relevant portfolio holder.

Part D - Overview and Scrutiny Procedure Rules

1. SCRUTINY COMMITTEES⁷⁸

- 1.1 The Council has established the Scrutiny committees specified in [Article 6](#), with functions and terms of reference as stated. The committees may if they think fit appoint Sub-Committees.
- 1.2 In carrying out its functions, every Scrutiny committee shall approve an annual work programme, for itself and any sub-committee;

2. MEMBERSHIP OF THE COMMITTEES

Membership is open to all members of the Council except members of the [Executive](#). But no member may take part in the scrutiny of a decision in which he or she has been directly involved.

3. MEETINGS

There shall be at least five ordinary meetings of each Scrutiny committee in each municipal year. Additional meetings may be called as the committee itself may decide during the year, at the request of its Chairman or the chief executive, or pursuant to a requisition signed by any five members of the committee and delivered to the [Chief Executive](#).

4. AGENDA ITEMS

- 4.1. Any member can request that an item be placed on the agenda for discussion by a Scrutiny committee by notifying the Democratic Services & Member Support Executive Manager. She will refer the request to the [Scrutiny Management Board](#).
- 4.2. The Scrutiny Management Board will decide whether to place an item referred to it under 4.1 on the agenda of the most appropriate Scrutiny committee by scoring it against its currently adopted criteria.
- 4.3. Every Scrutiny committee shall, if so requested by the [Council](#) or the [Executive](#), review any particular service areas or other activities falling within its terms of reference, so far as may be reasonably practical within the limits of its work programme for the current year. When a committee does so, it shall report its conclusions and any recommendations to the Council or the Executive as appropriate.

5. POLICY REVIEW AND DEVELOPMENT

- 5.1. The [Budget and Policy Framework Procedure Rules](#) give Scrutiny committees a specific role in relation to the approval or adoption of the Budget and Policy Framework. In addition to that role Scrutiny committees or sub-committees may:
 - 5.1.1. make recommendations to the Executive and/or the Council in respect of Budgets or Policy Frameworks at a time when the Executive is not considering proposals for submission to the Council; and
 - 5.1.2. contribute to the development of policy with regard to matters not forming part of Budgets or Policy Framework and make proposals or

⁷⁸ Reference to sub-committees as focus groups removed from these rules following Council meeting of July 23 2007.

recommendations to the Executive for policy developments relating to matters within the remit of the Executive.

- 5.2. For the purpose of discharging their functions, every Scrutiny committee or sub-committee may:
 - 5.2.1. hold inquiries;
 - 5.2.2. investigate and research the available options for future direction in policy development;
 - 5.2.3. appoint advisers and assessors to assist it;
 - 5.2.4. hold site visits;
 - 5.2.5. conduct public surveys;
 - 5.2.6. hold public meetings;
 - 5.2.7. commission research;
 - 5.2.8. require members of the Executive and officers of the Council to attend before them to answer questions;
 - 5.2.9. invite any person to attend one of its meetings to address the members on or discuss with them any matter under consideration; and
 - 5.2.10. do any other thing they may consider reasonably necessary for or conducive to that purpose.

6. REPORTS OF THE COMMITTEES

- 6.1 Once it has formed recommendations on proposals for policy development, a Scrutiny committee will prepare a formal report and submit it for consideration by the Executive or the Council as appropriate.
- 6.2 If the members of a scrutiny committee are not unanimous in agreeing a report, one minority report representing the views of at least three members of the committee may be prepared and submitted for consideration by the [Council](#) or the [Executive](#) along with the majority report.
- 6.3 Every report submitted by a scrutiny committee to the Council or the Executive shall be considered by it at its next available meeting.
- 6.4 Where the council meets to consider any recommendation of the Executive on a matter which would impact the [budget and policy framework](#) where a Scrutiny committee has made recommendations to the Executive, it shall also consider those recommendations unless they form part of the recommendations of the Executive.

7. RECOVERY AND CALL-IN

- 7.1. Call-in should only be used where members of the appropriate Scrutiny committee, after due deliberation, consider that an [Executive Decision](#) is not in the interests of the inhabitants of the borough and ought to be reconsidered.
- 7.2. Each Executive Decision will be publicised. This will include making it available at the main offices of the Council within four [working days](#) of being made, and should include publication on the council's [web site](#). All [members](#) of the council will be sent notice of all such decisions within the same time scale.
- 7.3. The notice may be sent by email unless the member concerned has specifically requested not to receive such notices by email. The notice will bear the date on

which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of six working days after the publication of the decision, unless a Scrutiny committee objects to it and calls it in.

- 7.4. During that period, the Democratic Services & Member Support Executive Manager shall recover a decision for scrutiny by the relevant Scrutiny committee if so requested by any ten members of the council, and shall then notify the decision-taker of the recovery of the decision. She shall arrange for a meeting of the relevant [Scrutiny committee](#) to be called on such date as she may determine, where possible after consultation with the chairman of the committee, and in any case (except where the chairman, the members who have requested recovery and either the Leader or the cabinet member who has made a the decision under delegated powers agree otherwise)⁷⁹ within ten days of her receipt of the request to recover the decision.
- 7.5. If a relevant Scrutiny committee considers that the decision is not in the interests of the inhabitants of the borough and ought to be reconsidered, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council (“call-in” the decision).
- 7.6. If, following a request to recover a decision, the Scrutiny committee does not meet in the period set out above, or does meet but does not call-in the decision, the decision shall take effect on the date of the Scrutiny committee meeting, or the expiry of that further ten [working day](#) period, whichever is the earlier.
- 7.7. If the matter was referred to [full Council](#) and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective from the date of the council meeting. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the [policy framework](#), or contrary to or not wholly consistent with the [budget](#). Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Councils views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

8. CALL-IN AND URGENCY

The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the [chief executive](#) or his nominee, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available [meeting of the council](#), together with the reasons for urgency.

9. PROCEDURE AT MEETINGS

- 9.1. [Scrutiny committees](#) shall normally consider the following business:
 - 9.1.1. Apologies for absence
 - 9.1.2. Minutes of the last meeting;

⁷⁹ Wording in brackets added following Council meeting of July 23 2007.

- 9.1.3. Declarations of interest;
 - 9.1.4. consideration of any matter referred to the committee for a decision in relation to review or scrutiny of a decision;
 - 9.1.5. responses of the [Executive](#) to reports of the committee; and
 - 9.1.6. other business as set out on the agenda for the meeting.
- 9.2. When, in connection with its review or scrutiny of any decision or matter or any enquiry or investigation, a scrutiny committee requires or asks persons to attend a meeting in order to assist the committee, express views, give evidence or answer questions, the meeting shall be conducted by the committee in accordance with the following principles:
- 9.2.1. the proceedings shall be conducted fairly;
 - 9.2.2. all members of the committee shall have the opportunity to ask questions of attendees and to contribute and speak;
 - 9.2.3. those required or requested to attend shall be treated with respect and courtesy; and
 - 9.2.4. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- 9.3. Following every review or investigation that it has undertaken a committee shall prepare a report for submission to the [Executive](#) or the [Council](#) as appropriate.

Appendix 6 *Members' Code of Conduct*⁸⁰

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⁸⁰ Code of conduct replaced following council meeting of 12 June 2007

Appendix 6

Members' Code of Conduct

PART 1: GENERAL PROVISIONS

INTRODUCTION AND INTERPRETATION

1.
 - 1.1. This Code applies to **you** as a member of an authority.
 - 1.2. You should read this Code together with the general principles prescribed by the Secretary of State
 - 1.3. It is your responsibility to comply with the provisions of this Code.
 - 1.4. In this Code—
 - 1.4.1. "meeting" means any meeting of—
 - 1.4.1.1. the authority;
 - 1.4.1.2. the executive of the authority;
 - 1.4.1.3. any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - 1.4.2. "member" includes a co-opted member and an appointed member.
 - 1.5. In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

SCOPE

2.
 - 2.1. Subject to 2.2 to 2.5, you must comply with this Code whenever you—
 - 2.1.1. conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - 2.1.2. act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
 - 2.2. Subject to 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
 - 2.3. In addition to having effect in relation to conduct in your official capacity, 3.2.3, 5 and 6.1 also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
 - 2.4. Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- 2.5. Where you act as a representative of your authority—
 - 2.5.1. on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - 2.5.2. on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

GENERAL OBLIGATIONS

3.
 - 3.1. You must treat others with respect.
 - 3.2. You must not—
 - 3.2.1. do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - 3.2.2. bully any person;
 - 3.2.3. intimidate or attempt to intimidate any person who is or is likely to be—
 - 3.2.3.1. a complainant,
 - 3.2.3.2. a witness, or
 - 3.2.3.3. involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - 3.2.4. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—
 - 4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - 4.1.1. you have the consent of a person authorised to give it;
 - 4.1.2. you are required by law to do so;
 - 4.1.3. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 4.1.4. the disclosure is—
 - 4.1.4.1. reasonable and in the public interest; and
 - 4.1.4.2. made in good faith and in compliance with the reasonable requirements of the authority; or
 - 4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - 6.1. must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - 6.2. must, when using or authorising the use by others of the resources of your authority—
 - 6.2.1. act in accordance with your authority's reasonable requirements;
 - 6.2.2. ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - 6.3. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7.
 - 7.1. When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - 7.1.1. your authority's chief finance officer; or
 - 7.1.2. your authority's monitoring officer,
 where that officer is acting pursuant to his or her statutory duties.
 - 7.2. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2: Interests

PERSONAL INTERESTS

8.
 - 8.1. You have a personal interest in any business of your authority where either—
 - 8.1.1. it relates to or is likely to affect—
 - 8.1.1.1.any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - 8.1.1.2.any body—
 - 8.1.1.2.1. exercising functions of a public nature;
 - 8.1.1.2.2. directed to charitable purposes; or
 - 8.1.1.2.3. 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;
 - 8.1.1.3.any employment or business carried on by you;
 - 8.1.1.4.any person or body who employs or has appointed you;

- 8.1.1.5.any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- 8.1.1.6.any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- 8.1.1.7.any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in 8.1.1.6;
- 8.1.1.8.the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- 8.1.1.9.any land in your authority's area in which you have a beneficial interest;
- 8.1.1.10. any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- 8.1.1.11. any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- 8.1.2. a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.
- 8.2. In 8.1.2, a relevant person is—
 - 8.2.1. a member of your family or any person with whom you have a close association; or
 - 8.2.2. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - 8.2.3. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - 8.2.4. any body of a type described in sub-paragraph 8.1.1.1 or 8.1.1.2.

DISCLOSURE OF PERSONAL INTERESTS

9.

- 9.1. Subject to 9.2 to 9.7, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 9.2. Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in 8.1.1.1 or 8.1.1.2, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 9.3. Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8.1.1.8, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 9.4. 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 9.5. Where you have a personal interest but, by virtue of 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 9.6. Subject to paragraph 12.1.2, where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 9.7. In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

PREJUDICIAL INTEREST GENERALLY

10.

- 10.1. Subject to 10.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 10.2. You do not have a prejudicial interest in any business of the authority where that business—
 - 10.2.1. does not affect your financial position or the financial position of a person or body described in 8;
 - 10.2.2. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in 8; or
 - 10.2.3. relates to the functions of your authority in respect of—
 - 10.2.3.1. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - 10.2.3.2. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- 10.2.3.3. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- 10.2.3.4. an allowance, payment or indemnity given to members;
- 10.2.3.5. any ceremonial honour given to members; and
- 10.2.3.6. setting council tax or a precept under the Local Government Finance Act 1992.

PREJUDICIAL INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

- 11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
 - 11.1. that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - 11.2. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in 11.1 and you were present when that decision was made or action was taken.

EFFECT OF PREJUDICIAL INTERESTS ON PARTICIPATION

- 12.
 - 12.1. Subject to 12.2, where you have a prejudicial interest in any business of your authority—
 - 12.1.1. you must withdraw from the room or chamber where a meeting considering the business is being held—
 - 12.1.1.1. in a case where 12.2 applies, immediately after making representations, answering questions or giving evidence;
 - 12.1.1.2. in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - 12.1.2. you must not exercise executive functions in relation to that business; and
 - 12.1.3. you must not seek improperly to influence a decision about that business.
 - 12.2. Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

Part 3: Registration of Members' Interests

REGISTRATION OF MEMBERS' INTERESTS

13.

13.1. Subject to 14, you must, within 28 days of—

13.1.1. this Code being adopted by or applied to your authority; or

13.1.2. your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8.1.1, by providing written notification to your authority's monitoring officer.

13.2. Subject to 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under 13.1, register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

SENSITIVE INFORMATION

14.

14.1. Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under 13.

14.2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under 14.1 is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

14.3. In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Appendix 7

Planning Code

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Appendix 7

Planning Code

1. INTRODUCTION

- 1.1 The Local Code of Good Practice represents the standard against which the conduct of [members](#) and [officers](#) will be judged. Failure to follow the 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 has breached the statutory local [code of conduct](#).
- 1.2 The Local Code of Good Practice is concerned primarily with the integrity of the planning system and the conduct of members of the [Development Control Committee](#) and officers in its processes and procedures. However, it equally applies to members of the [executive](#) and 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, and cannot be given by individual members.
- 2.2 Each Councillor has given a written undertaking that they will observe the Council's local code of conduct as required by [the Local Elections \(Declaration of Acceptance of Office\) Order 2001](#).
- 2.3 Officers who are Chartered Town Planners will be guided in their conduct by the Royal Town Planning Institute's (RTPI) [Code of Professional Conduct](#).
- 2.4 The Conduct of Council business will be governed by the [council procedure rules](#).
- 2.5 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.
- 2.6 [Members](#) must take account of views expressed but, as required by [paragraph 5.1](#) of the [code of conduct](#), must not in their official capacity, or in any other circumstances, use their position as a member, improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 2.7 Councillors should be cautious about accepting gifts and hospitality and should follow the requirements of [paragraph 17](#) of the code of conduct which states that a member must within 28 days of receiving any gift or hospitality over the value of £25.00, provide written notification to the authority's [monitoring officer](#) of the existence and nature of that gift or hospitality.
- 2.8 [Officers](#) must always act impartially. With regard to hospitality, if hospitality above the minimum level is offered by anyone with an interest in a planning proposal it should, if possible, be politely declined. If receipt of hospitality is unavoidable and/or of a minimum level, it should be declared in the unit's Register of Gifts and Hospitality.

3 TRAINING

The Council acknowledges the importance of training for members, particularly initial training for members when first serving on the Development Control Committee. Training will be

provided, and members will be updated on changes in legislation, procedure and national policy in relation to planning matters.

4 DECLARATION OF INTERESTS

Members must follow scrupulously the requirements placed upon them as laid down by the Local Government Act 2000 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

- 5.1 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.
- 5.2 Proposals for the council's own development should be treated in the same way as those by private developers, in accordance with circular 12/92, particularly in relation to the officers' advice.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 Applications or proposals by the council, by (or on behalf of) serving members and officers or by a third party involving land which a serving member or officer may own or have an interest in will be reported to the [development control committee](#) for determination.

6 LOBBYING OF AND BY MEMBERS

- 6.1 Members of the council, and importantly those members serving on the development control 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 already made up their mind on the application/issue before they have been exposed to all the evidence and arguments presented on the matter at the relevant meeting of the committee.
- 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 Strategic Planning & Development Executive Manager in order that their opinion 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 development control 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

- 7.1 The council encourages, in accordance with the advice of the [Audit Commission](#) and the National Planning Forum, early discussions between a potential applicant and council officers prior to the submission of an application.
- 7.2 In order for such meetings not to become, or be seen to become, part of a lobbying process, the following guidelines should be followed.
- 7.3 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 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.
- 7.5 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 are the decision-maker.
- 7.6 A written note should be made of contentious or potentially contentious meetings, or of similarly contentious or potentially contentious telephone conversations.
- 7.7 Where meetings are called by the council, with [members](#) present, at least one [officer](#) should attend and a written note of the meeting taken.
- 7.8 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.
- 7.9 Care must be taken to ensure that advice is not partial, nor seen to be.

8 OFFICERS' REPORT TO THE COMMITTEE

- 8.1 Reports should be accurate and contain a brief written description of the proposed development; the substance of written views submitted by consultees, objectors and others with an interest in the proposal; the relevant site history or related history.
- 8.2 The report should include a clear exposition of the relevant [development plan](#) policies and proposals, in order that the council's statutory duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 can be considered. Other material planning considerations should also clearly be set out.

- 8.3 Reports should have a written recommendation; oral reporting (except to update a report where necessary) should be rare, only when necessary in view of the urgency of the item, and should be carefully minuted when it does occur.
- 8.4 The reports should have a clear reasoning which itself clearly justifies the recommendation.
- 8.5 If the report has a recommendation which is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

9 PUBLIC SPEAKING AT THE DEVELOPMENT CONTROL COMMITTEE

Applicants, objectors/supporters will not be permitted to speak at any meeting of the development control committee on any matter placed before the committee for consideration except upon the invitation of the chairman and in accordance with any procedure applied by the committee.

10 DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

- 10.1 Adequate weight should always be given to the [development plan](#) (the structure and local plan). The law requires that where the development plan is relevant, decisions should be taken in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 10.2 Where the council intends or is minded to approve an application which is not in accordance with the development plan, the material considerations which lead to this conclusion must be clearly identified and how they justify overriding the development plan must be clearly demonstrated.
- 10.3 If the [officers'](#) report recommends approval of an application which is a departure from the development plan, the justification for this should be included, in full, in the report.
- 10.4 If the development control committee takes a decision contrary to the officers' recommendation (whether for approval or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file.
- 10.5 Where the development control committee is minded to take a decision contrary to the officers' recommendation, particularly where that decision would be contrary to [development plan](#) policies, the officers should be given the opportunity to explain the implications of the contrary decision.
- 10.6 Where the committee is minded to approve an application which is a material departure from the development plan, the application should be advertised in accordance with the requirements of the Town and Country Planning (General Development Procedure) Order 1995 and (where the scale and nature of the proposal require it) be referred to the Secretary of State.
- 10.7 The substance of conditions and reasons for refusal where [members](#) depart from the recommendations of [officers](#) should be made clear during the relevant committee meeting although detailed wording may be delegated to officers in consultation, if deemed necessary, with the chairman and vice-chairman of the committee.

- 10.8 To ensure that all procedures are strictly followed procedural guidance will be given by the [unit business manager \(legal and democratic services\)](#) or his representative in attendance at each meeting of the development control committee.

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; and
 - 11.3.3 There is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 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](#).
- 11.5 In order to avoid lobbying and to maintain impartiality, the applicant/agent, supporters and objectors would not normally be invited to site meetings nor would they be permitted to speak on the merits or otherwise of the proposal.
- 11.6 Planning applications will not be determined at site visits but will be reported back to the development control committee (following the site visit) for determination in the normal way.
- 11.7 It is not expected that members will make personal site visits. 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 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.
- 11.9 A member should declare at the development control 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 development control committee, in accordance with the views of the [Audit Commission](#) and the National Planning Forum, 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, the committee 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 contact procedure.

Appendix 8

Officers' Code of Conduct

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Appendix 8

Officers' Code of Conduct

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 Personnel Section.

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.

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:
- 8.2.1 Personal relationship with a councillor;
 - 8.2.2 Personal relationship with an external contractor or supplier;
 - 8.2.3 Personal relationship with a candidate for employment with the council;
 - 8.2.4 Outside employment or directorships, including details of remuneration and fees;
 - 8.2.5 Financial interest in any council contract;
 - 8.2.6 Membership of a body that the council funds or grant aids; and
 - 8.2.7 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 units 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 should treat with caution any offer of hospitality. The person or organisation making the offer may be doing, or seeking to do, business with the Council or may be affected by a decision of the Council. Employees should therefore consider whether the offer of hospitality could put at risk public confidence in the Council. In considering whether an offer of hospitality should be accepted, they should bear in mind:

- 13.1.1 the possible motive behind the hospitality;
- 13.1.2 the scale of the hospitality;
- 13.1.3 the likely perception of others if the hospitality is accepted.

13.2 All offers of gifts or hospitality valued at more than £10 should be disclosed to an appropriate manager and recorded in the register provided in each [business unit](#). (For the purpose of keeping the register, the [chief executive](#), the Deputy Chief Executive and the executive support team comprise a business unit). 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.

13.3 Employees should not accept significant personal gifts or hospitality. Examples of gifts and hospitality which should be regarded as significant include:

- 13.3.1 Gifts above the value of £10;
- 13.3.2 Gifts linked to the performance of an employee's duties;
- 13.3.3 Gifts offered to influence an employee's conduct;
- 13.3.4 Gifts whose acceptance might compromise an employee's position;
- 13.3.5 Hospitality above the value of £25;
- 13.3.6 Holidays and weekend breaks; and
- 13.3.7 Free access to facilities such as health, fitness, golf or social clubs; invitations to sporting or entertainment events.

13.4 Examples of gifts and hospitality which would normally be acceptable include:

- 13.4.1 Modest promotional gifts with a low intrinsic value;
- 13.4.2 Gifts distributed at the end of a demonstration or meeting and which are available to all attending;
- 13.4.3 Small gifts to express personal thanks;

- 13.4.4 Modest hospitality offered at official functions and ceremonies;
 - 13.4.5 Simple meals and refreshments at conferences, exhibitions, seminars and meetings offered to everyone present;
 - 13.4.6 Modest hospitality by non-commercial bodies;
 - 13.4.7 Working lunches provided to promote discussion with other parties; and
 - 13.4.8 Modest hospitality offered as part of the expected courtesy of business relations.
- 13.5 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

14 SPONSORSHIP – GIVING AND RECEIVING

- 14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the same conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with current or potential contractors or developers.
- 14.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Any disclosures should be recorded in the register provided. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Appendix 9

Protocol on Member-Officer Relations

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Appendix 9

Protocol on Member-Officer Relations

1 INTRODUCTION

- 1.1 Fylde Borough 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 duties.
- 1.2 The Council accepts that mutual respect between councillors and officers is essential to good local government. It undertakes that the working relationship between members and officers shall not have regard to sex, sexual orientation, marital status, race, nationality, ethnic or national origin or colour, creed or religion, age, income or disability. It also accepts that close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.
- 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.

2 INFORMATION

- 2.1 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 held by the authority which they need to perform their duties as an elected member. There is no right, however, to see information held by the authority where it is exempt from the disclosure provisions of the [Freedom of Information Act 2000](#) and it is not necessary for members to see it to perform their duties.
- 2.2 Officers shall respond promptly to reasonable requests from members for information. Members shall seek to direct such requests to officers of appropriate seniority.
- 2.3 Members shall not knowingly seek information which is not publicly available and which they do not have a need to know to perform their duties. An officer who receives a request for information which is not publicly available shall refer the request to his/her executive manager for him/her to discuss with the member concerned. The Chief Executive must, at the member's request, review a decision to refuse a member access to requested information. This is without prejudice to the member's right to exercise any remedy under the Freedom of Information Act 2000.

3 ROLES OF COUNCILLORS AND OFFICERS

- 3.1 Both [Councillors](#) and Officers serve the public. They depend on one another, but their responsibilities are distinct. Councillors are responsible to the electorate and are responsible for setting policy. Officers are responsible to the Council: their job is

to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council and the [executive](#).

- 3.2 Members must, however, 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.

4 ACCESS TO PROPERTY

- 4.1 Members may, subject to security and health & safety considerations, enter any property, and any part of that property, in the occupation of the Council in the performance of their duty as a councillor.
- 4.2 [Officers](#) shall admit members to such property on the receipt of a reasonable request from a member.

5 ACCESS TO OFFICERS

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

6 USE OF COUNCIL FACILITIES

- 6.1 In the performance of their duties, [members](#) have the right to use facilities provided for their use such as the members' room.
- 6.2 Officers shall provide assistance on request to members to enable them to make use of the facilities.
- 6.3 Members shall ensure that their use of such facilities is strictly for their duties as a councillor and for no other purpose.

7 GROUP MEETINGS

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

8 POLITICAL NEUTRALITY

- 8.1 The paid service is politically neutral. Certain posts, by reason of their seniority or their sensitive nature, are also politically restricted.
- 8.2 Members are entitled to receive the same courtesy, service and respect from [Officers](#), whatever their political group. Members shall respect the political neutrality of officers and shall seek to avoid any action on their part, which might compromise that neutrality.

9 BRIEFINGS

- 9.1 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 by officers to be submitted to that meeting at a time convenient to the members prior to the meeting.
- 9.2 A member of the [executive](#) is entitled to receive a briefing, during normal office hours (or, by arrangement, after normal office hours), by officers on matters submitted to him for decision at a time convenient to the member before the time when he proposes to make the decision.

- 9.3 The [executive leader](#) is entitled to receive a briefing, during normal office hours (or, by arrangement, after normal office hours), by [Officers](#) on reports by officers to be submitted to a forthcoming meeting of the [executive](#) at a time convenient to him prior to the meeting.

10 EXECUTIVE AND COMMITTEE MEETINGS

- 10.1 All members are entitled to receive advice from [executive managers](#), the Deputy Chief Executive or the [chief executive](#) on how best they can pursue issues that they wish the Council to consider, including placing items on agendas before Committees or having them considered by the executive.
- 10.2 Members have a [right to have the way they have voted](#) on an issue recorded in the minutes of a council, committee or sub-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.
- 10.3 It is particularly important to recognise that officers giving advice to the executive, 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 on the part of 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. Officers should not be placed in a position where they are tempted to suppress their professional advice for fear of a member's response. 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 appropriate executive manager or Chief Executive at a later time. Similarly, members shall not be subject to personal abuse or unfair criticism by officers
- 10.4 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 elected members and should intervene to prevent such a situation from continuing.

11 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.

12 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 membership 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.

13 MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

- 13.1 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.

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

14 CONFIDENTIALITY

- 14.1 [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](#).
- 14.2 As much information as possible shall be available to the public. It is open to a Committee to resolve to bring matters which have been designated as [exempt](#) from the requirements of public [access to information](#) into the public part of a meeting.

15 FAILURE TO COMPLY WITH THE CODE

- 15.1 Any [member](#) or officer who knows or suspects that an officer has failed to comply with the provisions of the code shall 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.
- 15.2 Any member or officer who knows or suspects that a member has failed to comply with the provisions of this code shall bring the matter to the attention of the Chief Executive who shall raise the matter with the member concerned and take whatever further action which may seem appropriate.

16 REVIEW

This code shall be reviewed on a regular basis.

Appendix 10

Members’ Allowances Scheme

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Appendix 10

Members' Allowances Scheme

1 INTRODUCTION

The scheme outlined in this document is based on the recommendations of the Members' Allowances Independent Remuneration Panel, which has met to consider members' allowances in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. The scheme will have effect from 1 October 2007.

2 BASIC ALLOWANCE

Basic allowance is to be paid to all Members, and is intended to recognise a time commitment expected of all Members, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of homes, and IT costs such as telephone connections to the internet. Each Member is entitled to £3,500.00 per annum, which will be paid monthly.

3 SPECIAL RESPONSIBILITY ALLOWANCE

3.1 A special responsibility allowance will be paid in addition to any entitlement to basic allowance for those Members who have significant responsibilities.

3.2 The Members receiving special responsibility allowance and the yearly allowances payable are as follows:-

Leader of the Council - £6,000.00.

Members of the Executive Cabinet - £4,000.

Chairmen of the Performance Improvement Scrutiny Committee, the Community Outlook Scrutiny Committee, the Policy & Service Review Scrutiny Committee; the Planning Policy Scrutiny Committee and the Development Control Committee - £3250.00.

Vice-Chairmen of the above Committees - 50% of Chairmen's allowance - £1,625.00.

Chairmen of the Public Protection and Licensing Committees - £1,625.00.

Vice-Chairmen of the above Committees - 50% of Chairmen's allowance - £812.50.

Chairman of the Standards Committee - £1,900.00

Vice –chairman of the Standards Committee - £950.00

Chairman of the Audit Committee - £1,980⁸¹

Vice-chairman of the Audit Committee - £990⁸²

Member champions - £250.00

Leader of each political group - £32 per group member.

81 Inserted following council meeting of 26 November 2007

82 Inserted following council meeting of 26 November 2007

4 PART PAYMENTS

In the case of basic and special responsibility allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable.

5 REPAYMENTS

In the event of a Member ceasing to be entitled to these allowances for whatever reason, any amount overpaid should be repaid in full to the Council on demand.

6 REVOCATION

Basic and special responsibility allowances will be paid automatically unless notice is received in writing from the member concerned revoking the entitlement. All such notices should be delivered to the Finance Executive Manager.

7 TRAVEL AND SUBSISTENCE ALLOWANCES

- 7.1 In addition to the Members' Allowances Scheme, travel and subsistence allowance are payable.
- 7.2 A full schedule of rates payable for travel and subsistence is attached at annex B.
- 7.3 A full list of those bodies which are accepted as approved duties for the payment of travel allowance is attached at annex C.

8 DEPENDENTS' CARERS' ALLOWANCES

- 8.1 In addition to the Members' Allowances Scheme, dependents' carers' allowances are payable.
- 8.2 The allowance is payable in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred by a member in attending at a meeting of a body accepted as an approved duty for the payment of dependents' carers' allowance.
- 8.3 A full list of those bodies which are accepted as approved duties for the payment of dependents' carers' allowance is attached at annex C.

9 CLAIMS

Claims for travel and subsistence allowances should be submitted monthly. Claims must be made on the official claim form available from the Finance Executive Manager.

10 PUBLICATION

The Council is required to publish details of the Members' Allowances Scheme as soon as practicable after the scheme has been determined/revised and after the end of each financial year the total amounts received by each Member.

ANNEX A

SUMMARY OF THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003, insofar as they define "approved duty" and are relevant to Fylde

The regulations provide that the following duties are approved for the purposes of the payment of travel and subsistence allowance and dependants' carers' allowance:

- Attendance at a meeting of the authority, or any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- any other meeting the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that-
 - (a) where the authority is divided into two or more political groups, it is a meeting of which members of at least two such groups have been invited, or

- (b) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- a meeting of any association of authorities of which the authority is a member;
- Duties undertaken on behalf of the authority in pursuance of any standing order requiring a member or members to be present while tender documents are opened;
- Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
- Any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority, or of any of its committees or sub-committees.

ANNEX B

RATES OF TRAVELLING ALLOWANCE PAYABLE

1 (1) The rate of travel by public transport shall not exceed the amount of ordinary fare or any available cheap fare, and where more than one class of fare is available the rate shall be determined, in the case of travel by ship by reference to first class fares, and in any other case by reference to second class fares unless the body determines, either generally or specifically, that first class fares shall be substituted.

(2) The rate specified in the proceeding sub-paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred:

(a) on Pullman Car or similar supplements, reservation of seats and deposit or portage of luggage; and

(b) on sleeping accommodation engaged by the member for an overnight journey, subject, however, to reduction by one-third of any subsistence allowance payable to him/her for that night.

2 (1) The rate of travel by a member's own solo motor cycle, or one provided for his/her use, shall not exceed:

(a) for the use of a solo motor cycle of cylinder capacity not exceeding 150 c.c., 8.5p a mile;

(b) for the use of a solo motor cycle of cylinder capacity exceeding 150 c.c., but not exceeding 500 c.c., 12.3p a mile;

(c) for the use of a solo motor cycle of cylinder capacity exceeding 500 c.c., 16.5p a mile.

(2) The rate of travel by a member's own private motor vehicle, or one belonging to a member of his/her family or otherwise provided for his/her use, other than a solo motor cycle, shall not exceed:

for the use of a motor vehicle of cylinder capacity

1 not exceeding 999 c.c., 34.6p a mile;

2 exceeding 999 c.c., 39.5p a mile;

(3) The rates specified in sub-paragraphs (1) and (2) may be increased:

(a) in respect of the carriage of each passenger, not exceeding 4, to whom a travelling allowance would otherwise be payable under any enactment, by not more than 3.0 pence a mile for the first passenger and 2.0 pence per mile for the second and subsequent passengers.

(b) by not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

(4) For the purpose of this paragraph the cylinder capacity shall be that entered in the vehicle registration book or document by the Secretary of State under the Vehicles (Excise) Act 1971.

3. The rate of travel by taxi-cab or cab shall not exceed:

(a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and

(b) in any other case, the amount of the fare for travel by appropriate public transport.

4. The rate of travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the member who hired it:

Provided that where the body so approves the rate may be increased to an amount not exceeding the actual cost of hiring.

5. The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in attendance allowance or financial loss allowance, and subsistence allowance consequent on travel by air:

Provided that where the council resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

(a) the ordinary fare or any available cheap fare for travel by regular air service, or

(b) where no such service is available or in case of urgency, the fare actually paid by the member.

RATES OF SUBSISTENCE ALLOWANCE PAYABLE

1 (1) The rate of subsistence allowance shall not exceed:

(a) in the case of an absence, not involving an absence overnight, from the usual place of residence:

(i) of more than 4 hours, or where the authority permits, a lesser period, before 11 a.m., (breakfast allowance) £4.92;

(ii) of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2 p.m., (lunch allowance), £6.77;

(iii) of more than 4 hours, or where the authority permits, a lesser period, including the period 3 p.m. to 6 p.m., (tea allowance), £2.67;

(iv) of more than 4 hours, or where the authority permits, a lesser period, ending after 7 p.m., (evening meal allowance), £8.38.

(b) in the case of an absence overnight from the usual place of residence £79.82 and for such an absence overnight in London, or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or such other association of bodies as the Secretaries of State may for the time being approve for the purpose, £91.04.

(2) For the purposes of this paragraph, London means the City of London and the London boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

2. Any rate determined under paragraph 1(b) above shall be deemed to cover a continuous period of absence of 24 hours.

3. The rates specified in paragraph 1 above shall be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

4. Where main meals (breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full, within specified limits. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowances for the appropriate meal period.

ANNEX C

Approved Duties

Attendance at any of the following meetings is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances and dependents' carers' allowances.

Meetings of the Council, Committees, and Sub-Committees to which members have been appointed.

There is also specified as an approved duty for the purpose of the payment of attendance allowance attendance at meetings of:-

1. Attendance by authorised representatives or a named substitute representative, if the meeting is such that substitutes are permissible, at meetings of the General Assembly of the Local Government Association, the Urban and Rural Commissions and Branch meetings of the LGA. Attendance at meetings of the Urban Commission Steering Group.

2. Action for All.

3. Age Concern Fylde.

4. Blackpool Airport Consultative Committee.

5. Blackpool Grand Theatre Trust.

6. Blackpool Wyre and Fylde Community Health Council.

7. Blackpool, Fylde and Wyre Society for the Blind.

8. Civil Defence College.

9. Consortium of Lancashire Aerospace (CLA)

10. Council for Voluntary Services, Blackpool, Wyre and Fylde.

11. District Liaison Committee for Education.

12. District Liaison Committee for Social Services.

13. European Economic Community Co-ordinating Committee.

14. Forum on Health and well Being In Lancashire

15. Fylde Arts Executive Committee.

16. Fylde Coast Initiative

17. Fylde District Youth and Community Advisory Committees.

18. Fylde Locality Health Improvement Committee.

19. Fylde Police and Community Forum.

20. Fylde, Preston and Wyre Joint Consultative Committee [Health Services]

21. Kirkham and Rural Fylde Citizens' Advice Bureau (Management Committee).

22. Kirkham Museum Project Organisation

23. L.C.C. Area Consultative Committee (June 1999)

24. L.C.C. North Area Consultative Committee (P&R 21.06.99)

25. Lancashire Consultation Committee.

26. Lancashire Forum on Poverty and Economic Disadvantage.
27. Lancashire Local Government Consultative Committee
28. Lancashire Tourism Partnership
29. Lancashire Youth and Community Advisory Committees.
30. Lancaster University, Court of.
31. Local Liaison Committee, Springfield Works of B.N.F.L.
32. Lytham Community Sports Centre
33. Lytham St. Annes Citizens’ Advice Bureau (Management Committee).
34. Lytham St. Annes Twinning Committee.
35. Lytham Town Trust.
36. North West Arts Board
37. North West Council for Sport and Recreation.
38. North West Lancashire Community Legal Service Partnership. (P&R ctt 27.11.00)
39. North West Lancashire Public Transport Liaison Committee.
40. North West Regional Assembly
41. North West Regional Association of Local Authorities.
42. North West Sports Assembly
43. North West Tourist Board.
44. North Western Local Authorities Employers Organisation.
45. North Western Museum and Art Gallery Service.
46. Post and Telecommunication Advisory Committee.
47. Ribble Estuary Advisory Group.
48. Road Safety Forum
49. Rural Fylde Youth Base.
50. Social Services Day Centres, Kirkham and Lytham.
51. Valuation and Community Charge Tribunals.
52. Waste Management Steering Group.
53. Chairmen and Vice-Chairmen Briefing Meetings.
54. Meetings where Chairmen and Vice-Chairmen are dealing with a matter delegated to an Officer in consultation with the Chairman and Vice-Chairman and of necessity need to attend at the offices of the Council for such business.
55. Police Meetings.
56. Tender meetings in accordance with the Council’s Standing Orders.
57. Meetings with representatives of other local authorities, government departments or bodies or with Members of Parliament connected with the Borough Council’s function.
58. Annual or other visits of inspection of property under the Committee’s control (where such visits have been previously authorised by or on behalf of the Council; or the Chairman or Vice- Chairman of a Policy Committee in respect of their own Committee authorised a visit of inspection of land, property equipment or in respect of any other matter related to the functions of the Council.
59. Authorised attendance by a Committee of the Council at courses inside the U.K. connected with the Borough Council’s interest.

Appendix 11

Officers' Management Structure

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Appendix 11

Officers' Management Structure

1. The highest officer level organisational structure of the Council consists of:
 - The [Chief Executive](#)
 - The Deputy Chief Executive.
 - Seven [executive managers](#) and the [Head of Legal Services](#).
2. The chief executive and the Deputy Chief Executive are responsible for the strategic management of the council and the performance management of the executive managers and the Head of Legal Services.
3. The chief executive is responsible for the corporate and overall strategic management of the authority as a whole. He must report to and provide information for the [full council](#), the [executive](#), the [Scrutiny committees](#) and other committees. He is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.
4. The chief executive is also responsible, together with the Democratic Services & Member Support Executive Manager, for keeping records of all decisions of the full council and committees.
5. The chief executive and his deputy 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](#), executive managers, employees and external partners.
6. The [chief executive](#), Deputy Chief Executive, the executive managers and the Head of Legal Services together 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.
7. The Management Team is the key management group of the authority and has responsibility for receiving performance management information and reporting this to [members](#).

Audit Committee



Date	Tuesday 17 June 2008
Venue	Town Hall, St. Annes
Committee members	Councillor John Singleton (Chairman) Councillor Keith Hyde (Vice-Chairman) Ben Aitken, Brenda Ackers, David Chedd, Cheryl Little, Louis Rigby,
Other Councillors	Councillor Linda Nulty
Officers	Phillip Woodward, Ian Curtis, Allan Oldfield, Joanna Scott, Savile Sykes, Andrew Wilsdon, and Peter Welsh.
Other Attendees	Richard Foster - KPMG

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Audit Committee meeting held on 3 April 2008 as a correct record for signature by the chairman.

3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor David Chedd for Councillor Elizabeth Oades

Councillor Ben Aitken for Councillor Simon Renwick

Councillor Brenda Ackers for Councillor P. Rigby

Councillor Cheryl Little for Councillor John Coombes

4. Audit Commission Audit and Inspection Plan 2008/09

Richard Foster from KPMG presented proposals for the Audit Commission's audit and inspection work to be undertaken at the Council during the current financial year. Mr Foster informed the committee of the reasons for the increase in audit fees which were due to the additional work that would be undertaken in respect of health inequalities and the management of financial resources.

Following consideration the Committee RESOLVED to note the proposed audit and inspection plan for 2008/09.

5. KPMG Interim Audit Report

Richard Foster from KPMG presented a report that summarised the findings of the planning and interim audit work which had recently been undertaken by the Councils auditors KPMG.

The key areas for development were:- procedure notes for budget monitoring being documented and performance against budgets being discussed on a regular basis with responsible officers; a consistent approach for raising and authorising purchase orders being followed; all manual journals to be reviewed and authorised by an independent senior officer; all significant bank accounts to be reconciled on a monthly basis and the council tax and NNDR system to be reconciled to general ledger and exception reports reviewed, on a monthly basis.

The report also referred to their assessment of internal audit, which confirmed internal audit complied with the requirements of the Code of Practice for Internal Audit in Local Government.

The committee RESOLVED that the issues identified by KPMG, together with responses from Management Team be noted and be reviewed at the next meeting of the Audit committee.

6. IT Risk Assessment Action Plan Progress Update

Allan Oldfield, (Corporate Performance Executive Manager), provided the Committee with a progress update against the IT Risk Assessment Action Plan produced in 2007. The report was produced at the request of the Committee.

Details of events and changes in the IT service area over the last 12 months were also included in the report to provide members with a comprehensive understanding of the challenges faced by the IT section.

Following consideration the committee RESOLVED-

1. To recognise the progress made to date against the Risk Assessment Action Plan and note that at the time of producing the report only three of the nine target dates for the actions had passed.
2. That a further progress update report is presented to the committee in 6 months time.

7. Risk Management Annual Report

Andrew Wilsdon (Insurance and Risk Management Officer) presented a report that summarised the year end report on the 2007-2008 Risk Register Action Plans, the work undertaken by the Council's Insurance and Risk Management Officer in producing the Strategic Risk Register for 2008-2009 and the annual review of the Risk Management Strategy.

Following consideration the Committee RESOLVED:

1. That the year end report of the progress made on the 2007-2008 Risk Action plans be noted.
2. To approve the Strategic Risk Register for 2008-2009.
3. To approve the Risk Management Strategy.
4. That a further report be submitted in 6 months time.

8. Statement of Internal Control 2007/08

Savile Sykes (Head of Internal Audit) presented a report on the Statement of Internal Control 2007/08. The Audit Committee was charged with adopting the Statement of Internal Control and monitoring the progress in fulfilling the action plan.

The report provided details on the progress made to date in implementing the various actions to achieve improved internal control during 2007/08 and indicated areas where agreed actions had yet to be fully completed.

During consideration of the report Members expressed concern on the lack of progress on implementing arrangements for the central recording of complaints. The Chief Executive outlined the work which had taken place to evaluate and implement the proposals made and the suggestions from Executive Managers for revisions to the proposals for the recording of complaints and the reporting of these to the Committee.

The Committee RESOLVED to note the latest position with regard to each of the issues currently included on the Statement of Internal Control 2007/08 and further noted the revised arrangements and completion date for the recording of complaints.

9. Internal Audit Annual Report 2007-08]

Savile Sykes (Head of Internal Audit) presented a report that summarised the work undertaken by internal audit from April 2007 to March 2008 and performance information for that same period.

The report provided details of audit activity; reports issued; assurance of internal control; follow-up work; special investigations; speed of responses; stakeholder feedback; projects consultancy and advice together the internal audit assurance statement.

It concluded with an opinion on the soundness of the Council's internal control environment.

Following Consideration the Committee RESOLVED to approve the Internal Audit Annual Report.

10. Local Code of Corporate Governance

Ian Curtis (Legal Services Executive Manager) presented a report that updated members on the preparation of the Annual Governance Statement under the CIPFA/SOLACE framework for corporate governance.

Work was progressing under the code as drawn to allow the Annual Governance Statement to be presented to the next meeting of the committee on June 30.

The Committee RESOLVED to approve the local code of corporate governance.

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