
Appendix 1: Implications

Legal Implications

The Council has a statutory duty to adopt and maintain a constitution pursuant to s37 of the Local Government Act 2000 as follows:

- (1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution) which contains —
 - (a) such information as the Secretary of State may direct,
 - (b) a copy of the authority's standing orders for the time being,
 - (c) a copy of the authority's code of conduct for the time being under section 51, and
 - (d) such other information (if any) as the authority consider appropriate.
- (2) A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.
- (3) A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Finance

The review of the constitution has no financial implications.

Consultation

As set out in the main body of the report, relevant Council Officers have been consulted regarding any amendments to the Constitution, which are relevant to them.

Equality and Diversity / Public Sector Equality Duty

The revision of the Constitution is not considered to have an adverse impact upon the public sector equality duty. The constitution is as accessible as possible and is regularly reviewed to ensure that equality concerns are addressed. An equality impact assessment was undertaken at the time of review of the constitution working groups sub group on gender terminology. The screening suggested that the use of gender neutral terminology in the Constitution would have a positive impact on individuals with a relevant protected characteristic and would promote equality of opportunity and inclusivity.

Human Rights

None specific within this report.

Crime and Disorder

None specific within this report.

Staffing

None specific within this report.

Accommodation

None specific within this report.

Risk

None specific within this report.

Procurement

As set out in the report about changes to the contract procedure rules.

Article 12 – Review, Revision and Suspension of the Constitution.

12.01 Duty to monitor and review the constitution

The Head of Legal and Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In undertaking this task the Head of Legal and Democratic Services 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 by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

12.02 Changes to the Constitution

- (a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Head of Legal and Democratic Services in consultation with the Executive and the Constitution Working Group.
- (b) **Change from a leader and cabinet form of executive to another form of executive or vice versa.** The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
- (c) **Changes to the responsibility for functions** may be made as set out within this Constitution or as permitted by law.

12.03 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules in Part 4 may be suspended by the full Council to the extent permitted therein and by law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

12.04 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1. **Any references to legislation contained within the Constitution includes subsequent amendments to that legislation.**

12.05 Publication

The Head of Legal and Democratic Services will ensure that copies of the Constitution are available for inspection at County Hall and on the Council's website, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Appendix 3: Corporate Parenting Panel

E. Corporate Parenting Panel

The Corporate Parenting Panel is formed of 21 Members of the Council including the member of the Executive or Executive Support for Children and Young People's Services and the Chairman or Vice-Chairman of Children and Young People's Overview and Scrutiny Committee, **plus a maximum of 10 6** non-voting Co-opted Members, **consisting of ~~being 3~~** school representatives and **3** representatives from other agencies. The functions of the Corporate Parenting Panel are:-

- (i) To ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
 - (a) **Children and** Young people in residential care
 - (b) Children and Young people in foster care
 - (c) Children and **Young people** placed for adoption
 - (d) Children and **Young people** placed at home under **Care Planning, Placement ~~with Parents~~ and Case Review Regulations**
 - (e) Young people who are living in supported lodgings
 - (f) Young people in Secure services
 - (g) Young people in custody
- (ii) To engage and listen to the views of children, young people and their carers for whom the Council is the parent.
- (iii) To work in partnership with other statutory agencies to drive forward improvements in care.
- (iv) To act as the governing body for the Virtual School for looked after children and young people.
- (v) To act as the governing body for Aycliffe secure services, monitoring and ensuring the quality of secure accommodation. **education and care.**

Appendix 4: Officer Scheme of Delegations

OFFICER SCHEME OF DELEGATIONS

Table 1

General Delegations to all Chief Officers

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 9 of this Constitution.
2. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 10 of the Constitution.
3. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
4. In exercising their delegated powers Chief Officers may:-
 - (a) Incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council.
 - (b) In consultation, where appropriate, with the relevant Cabinet Portfolio Member, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.
 - (c) deal with the following employment issues in accordance with the Council's procedures:
 - (i) engage, suspend, dismiss and deploy staff up to and including Head of Service level;
 - (ii) take disciplinary action against staff up to but excluding appeals against dismissal;
 - (iii) apply conditions of service in accordance with the Council's policies;
 - (iv) permanently regrade posts up to and including Head of Service level with the approval of the Corporate Director of Resources.
 - (v) make establishment changes up to and including Head of Service level;

- (vi) deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter;
 - (d) Deploy other resources within their control.
 - (e) Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.
 - (f) Terminate contractual and other commissioning arrangements.
 - (g) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council.
 - (h) Exercise virement within the financial limits contained in the Financial Procedure Rules.
 - (i) Provide services to other local authorities and organisations.
 - (j) Respond to consultations from Government departments and other public bodies.
 - (k) Request the Head of Legal and Democratic Services to enforce any bye-laws relevant to their service area.
 - (l) Exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specified delegations in relation to particular bodies.
5. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
6. In exercising their delegated powers the Chief Officers will:-
- (a) Follow the procedures and guidance set out in the Guidance on the Exercising and Recording of Delegated Powers issued by the Monitoring Officer.
 - (b) Consult the relevant Cabinet Portfolio Member as appropriate.
 - (c) Consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.
 - (d) Make the record available to:-

- (i) the public, provided this does not mean the release of confidential or exempt information; and
 - (ii) any Member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled.
 - (iii) the Chief Executive and Head of Legal and Democratic Services.
- 7. Each Chief Officer shall act as the designated Proper Officer for the Local Government Act 1972:-
 - (a) To identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act).
 - (b) To prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
- 8. Chief Officers and Heads of Service may authorise officers to exercise powers delegated to them. Chief Officers and Heads of Service must maintain proper records of such authorisation. The Chief Officer or Head of Service shall remain accountable for any action or decisions taken under that authority.
- 9. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.
- 10. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Heads of Service so far as permitted by law.
- 11. Where this Constitution permits the exercise of delegated powers by Heads of Service, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.
- 12. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Executive or some other Council body.

The following matters are, in addition, delegated to all Heads of Service:

- 13. Determining or resolving corporate complaints including the ability to make compensatory payments.

Table 2

Delegations to the Chief Executive

1. To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
2. To guide and, where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
3.
 - (a) To carry out any executive function which is delegated to a particular chief officer in consultation with the relevant Cabinet Portfolio Member
 - (b) To carry out any executive function of a corporate nature in consultation where appropriate with the Leader and Deputy Leader.
4. To grant exemptions on the political restriction of officer posts under the Localism Act 2011.
5. To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.
6. To act as Returning Officer for County Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).
7. To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.

Table 3

Delegations to the Director of Transformation and Partnerships

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Transformation and Partnerships, is authorised to discharge any function of the Executive in relation to:

- Archives and Records
- Communication
- Community Buildings
- Community Development and Area Action partnerships
- Community Engagement
- Community Safety - support for statutory partnerships
- Corporate Policy, Planning and Improvement
- Emergency Planning and Civil Contingencies
- Equalities, Diversity and Cohesion
- Government Migration Programmes
- Information Management and Governance
- Partnership Co-ordination and support for the County Durham Partnership
- Performance Management and Research Information
- Service Review and Improvement
- Transformation Programme
- Voluntary Sector and Local Councils

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

Specific and non-executive delegations

The matter set out below is in addition, delegated to the **Head of Strategy**

2. To oversee the management of the Council's Overview and Scrutiny functions.

The matter(s) set out below are in addition, delegated to the **Head of Partnerships and Community Engagement**

3. To authorise the expenditure of Neighbourhood and Area budgets approved by the Council in consultation with the relevant Area Action Partnership Board and the appropriate local Member(s).
4. To support and co-ordinate partnership boards including and not limited to community safety/ crime and disorder; health and wellbeing; children, young people and families.
5. To support and coordinate the Local Safeguarding Adults Board in accordance with legislation and guidance.

6. To support and coordinate the Local Safeguarding Children's Board in accordance with legislation and guidance.

Table 4

Delegations to the Corporate Director of Adult and Health Services

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Adult and Health Services, is authorised to discharge any function of the Executive in relation to:

- 1.1 The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
 - Adults; or
 - Carers, or:
 - Prisoners and/or people in approved premises within County Durham.
- 1.2 Functions exercisable on behalf of an NHS body so far as it relates to adults.
- 1.3 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.
- 1.4 To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.
- 1.5 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).
- 1.6 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.
- 1.7 Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
- 1.8 Setting and varying fees and charges for delivery of services.
- 1.9 Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County, including the

development of Cooperation Agreements and Partnerships Agreements for joint working arrangements.

- 1.10 Protection and promotion of the welfare of vulnerable adults including vulnerable young people moving into adulthood.
- 1.11 To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services.
- 1.12 The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Adult and Health Services.
- 1.13 Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:
 - To provide information and advice about care and support services for adults and carers.
 - To provide or arrange access to preventative services promoting wellbeing and independence.
 - Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure.
 - Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support.
 - To provide a personal budget to anyone with 'eligible needs'.
 - To make enquiries into concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations.
- 1.14 Ensuring that the local authority has a panel of persons in place for its area (known as Channel), as required under the Counter Terrorism and Security Act 2015. The function of this panel is to assess the extent to which identified individuals are vulnerable to being drawn into terrorism and to develop a support plan for that individual.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

2. Specific Delegations

- 2.1 To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.

- 2.2 To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
- 2.3 To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of Public Health and local Clinical Commissioning Groups.
- 2.4 To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance.
- 2.5 To work in collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership.
- 4.12 In conjunction with the Corporate Director of Resources sign off the Better Care Fund.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

3. The matters set out below are, in addition, **delegated to the Director of Public Health:**

- 3.1 To take responsibility for the management of the Council's Public Health Services **and function**, with professional responsibility and accountability for their effectiveness, availability and value for money.
- ~~3.2 To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need.~~
- 3.32 To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns **and** around access to health services.
- 3.4-3 To provide the public with expert, objective advice on health matters.
- 3.5-4 To promote action across the life course, working together with council colleagues such as the Director of **Children and Health** Services and with NHS colleagues.
- 3.6-5 To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.

3.76 Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

3.87 Under Section 73A(1) of the 2006 Act inserted by section 30 of the 2012 Act;

- **To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need.**
- To undertake duties to take steps to improve public health;
- To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;
- To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
- To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics;
- To consult and make decisions on Fluoridation Schemes.
- **The commissioning of services in relation to 0-5 children's public health.**

3.9 8 Under section 6C of the National Health Service Act 2006;

- To ensure appropriate access to sexual health services
- To take responsibility for the National Child Measurement Programme
- To take responsibility for the NHS Health Check Assessment
- **Support to NHS Commissioners**

3.10 3.9 To act as either as lead or supporting Director of Public Health chairing or co-chairing the Local Health Resilience Partnership (LHRP) for County Durham, Darlington and Tees Valley.

3.11 3.10 To **oversee seek assurance of** the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.

3.12 3.11 To **oversee seek assurance of the** NHS immunisation screening programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.

- ~~3.13~~ 3.12 To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
- ~~3.14~~ 3.13 Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
- ~~3.15~~ 3.14 Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.
- ~~3.16~~ 3.15 To advise and contribute to the preparation of the Pharmaceutical Needs Assessment
- ~~3.17~~ ~~The commissioning of services in relation to 0-5 children's public health.~~

Table 5

Delegations to the Corporate Director of Children and Young People's Services

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Children and Young People's Services, is authorised to discharge any function of the Executive in relation to:

- 1.1 The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
 - Children, or;
 - Children and young people leaving care;
- 1.2 Issuing and conducting proceedings, including care proceedings and applications for placement orders in accordance with the Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance.
- 1.3 Functions exercisable on behalf of an NHS body so far as it relates to children and young people.
- 1.4 The Council's powers and duties in relation to the provision and commissioning of education and training opportunities for young people as determined by the Education Act 1996 and Education and Skills Act 2008 and all other legislation and guidance relating to education and training for young people.
- 1.5 The effective and lawful operation of a secure unit in accordance with the licence requirements set by the Office for Standards in Education, Children's Services and Skills (Ofsted).
- 1.6 The provision of assessment and treatment services for children and young people in accordance with the Mental Health Act 1983.
- 1.7 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.
- 1.8 Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
- 1.9 Setting and varying fees and charges for delivery of services.
- 1.10 Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County, including the

development of Cooperation Agreements and Partnerships and Agreements for joint working arrangements.

- 1.11 To meet the requirements as set down by regulatory bodies in relation to the operation of services within Children and Young People's Services.
- 1.12 The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Children and Young People's Services.
- 1.13 The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age, including the provision of secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.
- 1.14 The provision, operation and commissioning of services in relation to Adult Learning.
- 1.15 To coordinate the transition of service provision for children who will require services into adulthood.
- 1.16 Under the Children and Families Act 2014, to discharge any functions in relation to the social care duties of the Council including:
 - The publication of a 'Local Offer' which clearly sets out services available for children and young people with special educational needs between the ages of 0-25.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

2. Specific Delegations

- 2.1 To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
- 2.2 To license the employment of children in accordance with the Children and Young Persons Act 1933.
- 2.3 To be the lead Director on the Local Safeguarding Children's Board in accordance with legislation and guidance.

Table 6

Delegations to the Corporate Director of Regeneration and Local Services

4. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Regeneration and Local Services is authorised to discharge any function of the Executive in relation to:

- Buildings and Facilities Management
- Building Design Services
- Business Support
- CCTV
- Construction Programme and Project Management Unit
- County Fleet
- Culture and Sport Localities
- Culture and Sport Improvement and Development
- Culture and Sport Growing and Learning
- Culture and Sport Wellbeing
- Culture and Sport Place and Experience
- Culture and Sport Projects and Transitions
- Conservation and Archaeology
- Environment, Health and Consumer Protection.
- Highways and Local Transport Planning
- Housing
- Management and Maintenance of Highways
- Management of the Council's Land and Property Assets
- Neighbourhood Protection
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement.
- Parks and Grounds
- Public Rights of Way
- Regeneration and Local Services Learning and Development
- Regeneration Projects and Programme Management
- Spatial Planning, Regeneration and Economic Policy
- Strategic Business Service Development and Support
- Strategic Tourism
- Street Cleansing and Grounds Maintenance
- Town Twinning
- Traffic Management, in consultation, where required with the Highways Committee, in relation to functions under the Road Traffic Regulation Act 1984 and 1988
- Transport functions delegated to the Council by ~~the Combined Authority formed by the Durham, Gateshead, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (the Combined Authority)~~ North East Joint Transport Committee.
- Transport Strategy
- Waste Collections and Waste Transfer Sites
- Waste Management

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and non-executive delegations

2. To review decisions made by the Head of Planning and Assets relating to the list of assets of community value.

The following matters are, in addition, delegated to the Head of Culture and Sport

- ~~3.~~ To authorise suitably qualified and competent staff within Culture and Sport and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under ~~all the relevant~~ legislation ~~referred to in Appendix 2 to Table 6.~~ relating to the Councils functions in respect of Culture and Sport.
- ~~4.~~ ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~
- ~~5.~~ 4. To exercise the Councils functions ~~as Library Authority~~ under all relevant legislation ~~referred to in Appendix 2 Table 6.~~ relating to its role as Library Authority.
- ~~6.~~ 5. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.
- ~~7.~~ 6. To approve agency agreements where financial transactions are not required.

The following matters are, in addition, delegated to the Head of Direct Services:

- ~~8.~~ ~~To exercise the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.~~
- ~~9.~~ 7. To authorise suitably qualified and competent staff within Direct Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under ~~all the relevant~~ legislation ~~referred to in Appendix 2 to Table 6.~~ related to the Executive functions in paragraph 1 of Table 6.
- ~~10.~~ ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~
- ~~11.~~ 8. To authorise suitably qualified and competent staff within Direct Services to discharge the regulatory and enforcement functions of the

Council ~~under the relevant legislation set out in Appendix 2 to Table 6.~~
related to the Executive functions in paragraph 1 of Table 6.

~~12.~~ 9. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions including the institution of legal proceedings under ~~all relevant legislation set out in Appendix 2 to Table 6 and all associated secondary legislation as amended from time to time.~~ related to the Executive functions in paragraph 1 of Table 6.

~~13.~~ 10. To issue simple and conditional cautions ~~to persons guilty of criminal offences under the legislation as referred to in Appendix 2 to Table 6 to this Table and~~ in accordance with PACE and the Home Office Guidance ~~to persons guilty of criminal offences under legislation relating to Executive functions listed in Paragraph 1 of Table 6.~~

~~14.~~ 11. To exercise functions as Waste Collection and Disposal Authority under ~~all relevant legislation referred to in Appendix 2 to Table 6.~~ relating to Waste Management.

~~15.~~ 12. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation ~~referred to in Appendix 2 to Table 6.~~ relating to Executive functions listed in Paragraph 1 of Table 6.

~~16.~~ 13. To manage the Council's allotments which includes responsibility for the grant, renewal and termination of allotment tenancies.

The following matters are, in addition, delegated to the Head of Economic Development and Housing:

~~17.~~ In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions.

~~18.~~ 14. To exercise the Council's functions in relation to housing including:

- a) the determination of any applications for grant and/or housing assistance loans ~~pursuant to the legislation listed in Appendix 1 to Table 6;~~
- b) the exercise of the Council's enforcement powers under the legislation ~~listed in Appendix 1 to Table 6 in relation relating~~ to private sector housing;
- c) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness ~~in the legislation described in Appendix 1 to Table 6;~~
- d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.

~~19.~~ 15. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites ~~under the legislation listed in Appendix 1 to~~

~~Table 6~~, including allocation of sites, site management, rent recovery and tenant support.

The following matters are, in addition, delegated to the Head of Planning and Assets:

~~20-~~ 16. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 or under any related principal or secondary legislation, except the following:

- a) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Planning and Assets specifying material planning grounds on which the request is made and received by the Head of Planning and Assets within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);
- b) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
- c) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where, despite a Town or Parish Council having expressed objection or support, the officer is minded to recommend the application or notification on material planning grounds contrary to the wishes of the local council and:
 - (i) the local council have made a specific request in writing for the application or notification to go before a planning committee; and
 - (ii) the local council have confirmed their intention to attend the planning committee to make representations on the application; and
 - (iii) the written request is received by the Head of Planning and Assets within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);

- d) Major developments (excluding s73 ~~and~~ Reserved Matter applications ~~and Review of Mineral Planning Permissions~~) comprising:
- (i) major residential developments (10 or more dwellings or a site area of 0.5ha or greater) except where the application is for a substitution of house types on a scheme already benefitting from an extant planning permission;
 - (ii) ~~industrial~~ development (~~floor space~~ of more than 20,000m² of floor space or a site area of 4ha or greater) comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution) ~~or waste and waste-related development~~; or
 - (iii) development not falling within (i) and (ii) above, where the floor space is 1000 m² (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
- (e) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days likely to have, in the opinion of the Head of Planning and Assets, a significant impact on the environment or are by their nature particularly controversial;
- (f) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
- (g) those applications for planning permission or notifications which have a relevant timescale of more than 35 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State.

~~21.~~ 17. The exercise of the Council's enforcement powers under legislation ~~listed in Appendix 1 to Table 6 in~~ relation to Common Land and Town and Village Greens.

~~22.~~ 18. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.

19. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4 20. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph 19 16 above.
- 2 21. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
- 3 22. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
- 4 23. To carry out reviews of planning permissions as required by the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 2017.
- 5 24. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) England Order 2015.
- 6 25. To authorise the making of a proposals to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. ~~for a Direction which would operate to withdraw deemed consent for the display of Letting Boards within the Durham City Conservation Area.~~
- 7 26. In consultation with the Cabinet Portfolio Holder for Economic Regeneration and the member/s for the Electoral Division/s affected to determine applications for funding of schemes from monies held by the Council under ~~Unilateral Undertakings and agreements made under S106 Town and Country Planning Act 1990.~~ planning obligations.
- 8 27. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements and Section 39 Agreements and to authorise the giving of any approval or consent required pursuant to a S106 Planning Obligation, S106A Deed of Variation or Section 52 Planning Agreement, or Section 39 Agreements.
- 9 28. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
- 10 29. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation ~~referred to in Appendix 1 to Table 6.~~ relating to town and country planning and conservation.

- 41 ~~30. To administer simple and conditional cautions to persons guilty of criminal offences under the legislation referred to in Appendix 1 to Table 5-6 and~~ in accordance with PACE and Home Office guidance to persons guilty of criminal offences under legislation relating to town and country planning and conservation.
- 42 31. Authorise the taking of default action under Sections 178 and 219 of the Town and Country Planning Act 1990.
- 43 32. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
- 44 33. To apply authorise applications to the Secretary of State for an order under Sections 247 and 249 of the Town and Country Planning Act 1990.
- 45 34. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 and Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
- 46 35 Authorise the making, confirmation, revocation and variations of Tree Preservations Orders and to determine applications for consent under such Orders.
36. To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 47 37. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
- 48 38. Authorise individual named officers to exercise powers of entry contained in the following:
- The Hedgerow Regulations 1997
 - Town and Country Planning Act 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
 - Building Act 1984
 - Fire Safety and Safety of Places of Sport Act 1987
 - Safety of Sport Grounds Act 1975
 - Local Government (Miscellaneous Provisions) Act 1982
 - Party Wall etc Act 1996
 - Planning Act 2008

or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.

- 19 39. To administer and determine complaints about high hedges and to take default action as necessary under the Anti-Social Behaviour Act 2003.
- 20 40. The obtaining of information under Section 330 of the Town and Country Planning Act 1990.
- 21 41. To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.
- 22 42. Act under and in respect of:
- a) Sections 16, 19 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
 - b) Sections 77 to 78 and 80 to 83, Building Act 1984;
 - c) Building Regulation 18 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings (Building Regulations 2010),
 - d) Party Wall Act etc.1996.
- 23 43. Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987.
- 24 44. To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
- 25 45. In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
- 26 46. To approve the principle of acquiring property at a price not exceeding £100,000.
- 27 47. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.
- 28 48. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property.
- 29 49. To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.

- 30 **50.** To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
- 31 **51.** To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.
- 32 **52.** To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.
- 33 **53.** In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
- 34 **54.** In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
- 35 **55.** To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.
- 36 **56.** To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
- 37 **57.** To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance and Commercial Services.
- 38 **58.** To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 39 **59.** To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
- 40 **60.** Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
- 41 **61.** To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance from the Highways Committee in the event of unresolved objections being received.
- 42 **62.** To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
- 43 **63.** All duties arising out of the establishment of the Business Improvement Districts.

- 44 64. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.
- 45 ~~.-In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions.~~

The following matters are, in addition delegated to the Head of Technical Services:

65. Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically but not exclusively to:

- (a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;
- (b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;
- (c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;
- (d) exercise the Council's common law powers to remove obstructions and abate nuisances on the highway;
- (e) take action to protect highway rights and deal with obstructions;
- (f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;
- (g) to make temporary road closure orders/ notices, orders closing streets for processions etc and exercise the Council's powers
- h) enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980;
- i) To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;
- j) To grant street works license under section 50 of the New Roads and Street Works Act 1991
- k) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network

46 66. To exercise all the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.

47 67. To authorise suitably qualified and competent staff within Technical Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers **regulatory and enforcement functions** under the **relevant** legislation ~~referred to in Appendix 2 to Table 6.~~ **relevant to the role of Head of Technical Services.**

48 ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~

- 49 ~~To authorise suitably qualified staff within Technical Services to discharge the regulatory and enforcement functions of the Council under the relevant legislation set out in Appendix 2 to Table 6.~~
- 50 68. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under all legislation ~~set out in Appendix 2 to Table 6 and all associated secondary legislation as amended from time to time.~~ relevant to the role of Head of Technical Services.
- 51 69. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation ~~referred to in Appendix 2 to Table 6.~~ relevant to the role of Head of Technical Services
- 52 70. To exercise the functions of land drainage and Lead Local Flood Authority. ~~under the relevant legislation referred to in Appendix 2 to Table 6.~~
- 53 . ~~To exercise functions as Highway Authority under relevant legislation referred to in Appendix 2 to Table 6 including the following:~~
- ~~a) Power to enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980;~~
 - ~~b) To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;~~
 - ~~c) To grant street works license under section 50 of the New Roads and Street Works Act 1991~~
 - ~~d) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network~~

The following matters are, in addition, delegated to the Head of Transport and Contract Services:

- 54 ~~In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions~~
- 55 71. To exercise all of the Council's functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations except matters reserved to the Highways Committee.
- 56 72. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 57 73. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:
- a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
 - b) allow exceptions to normal civil parking enforcement practices where appropriate
- 58 74. To authorise the taking of prosecution action applications for blue badge misuse and abuse and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the Councils powers of enforcement of legislation ~~referred to in Appendix 1 to Table 6.~~ relating to highways and road traffic.
- 59 75. To administer simple and conditional cautions ~~to persons presumed guilty of criminal offences under the legislation referred to in in Appendix 1 to Table and~~ in accordance with PACE and Home Office Guidance ~~to persons guilty of criminal offences under legislation relating to highways and road traffic.~~
- 60 76. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
- 61 77. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.
- 62 78. Provision and operation of closed circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.
- 63 79. To discharge the regulatory and enforcement functions of the Council under ~~the legislation set out in the Appendix 1 to Table 6.~~ relating to highways and road traffic.

64 80. To enter into **agreements under** Sections 38, **219 and 220** of the Highways Act 1980 **agreements** to adopt and there after maintain highways at the public expense.

~~87.~~81. To enter into Section 278 of the Highways Act 1980 agreements to modify existing highways.

82.To update and amend as necessary the list of streets maintained under Section 36(6) of the Highways Act 1980.

The matters set out below are, in addition, delegated to the Head of Environment, Health and Consumer Protection:

~~88.~~83. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:

- a. Performances of hypnotism;
- b. Premises for acupuncture, tattooing, ear piercing and electrolysis;
- c. Pleasure boats and pleasure vessels;
- d. Night cafes and take-away food shops;
- e. Sale of non-medicinal poisons;
- f. Premises for the preparation of food including registration;
- g. Scrap yards;
- h. Pet shops and the breeding and boarding of dogs or other animals;
- i. Animal trainers;
- j. Knackers' yards;
- k. Charitable collections;
- l. Operation of loudspeakers;
- m. Street works licences;
- n. Movement and sale of cattle and pigs;
- o. Storage of celluloid;
- p. Meat, fish, dairy and egg product establishments and butchers' shops;
- q. Motor salvage operations;
- r. Health and safety at work;
- s. Smoke-free premises and vehicles;
- t. Caravan and camping sites and moveable dwellings

~~89.~~84. To exercise the Council's functions in relation to:

- a) The control of pollution and the management of air quality;
- b) Statutory nuisances, as referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- c) Contaminated land;
- d) Port health;

- ~~90-85.~~ To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation relevant to the role of Head of Environment, Health and Consumer Protection. This will include all forms of Licensing, Environmental Health, Statutory nuisance, Contaminated land Food Safety, Consumer Protection Trading Standards and Animal Welfare set out in Appendix 3 to this Table and all associated secondary legislation as amended from time to time.
- ~~91.~~ In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 3 to this Table to reflect new or modified statutory provisions.
- ~~92-86.~~ Subject to Appendices 4, 5 and 6 1, 2, and 3 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation. set out in the Appendix 3 to this Table including all relevant statutory provisions.
- ~~93-87~~ To issue simple and conditional cautions to persons guilty of criminal offences under the legislation referred to in Appendix 3 and in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation falling within the role of Head of Environment, Health and Consumer Protection.
- ~~94-88~~ To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 3, falling within the role of Head of Environment, Health and Consumer Protection.
- ~~95-89.~~ To authorise another local authority to institute legal proceedings in respect of alleged contraventions of legislation where a contravention of the legislation set out in Appendix 3 to this Table where related contraventions are being investigated by that authority.
- ~~96-90.~~ To grant authorisations in relation to illegal money lending and unfair trading practices.
- ~~97-91.~~ Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
- ~~98-92.~~ Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
- ~~99-93.~~ Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
- ~~100-94.~~ To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local government Act 1972 or to be represented by a duly instructed solicitor.

~~401.95~~. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices ~~4, 5 and 6~~ 1, 2, and 3 to this Table.

~~402.96~~. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

Appendix 1 to Table 6

Acquisition of Land Act 1981
Anti-social Behaviour Act 2003
Anti-social Behaviour, Crime and Policing Act 2014
Building Act 1984
Bus Services Act 2017
Chronically Sick and Disabled Persons Act 1970
Commons Act 1876, 2006
Commons Registration Act 1965
Countryside and Rights of Way Act 2000
Criminal Justice and Public Order Act 1994
Durham City Council Act 1985
Electricity at Work Regulations 1989
Environmental Protection Act 1990
Environment Act 1995
Fire Safety and Places of Sport Act 1987
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Growth and Infrastructure Act 2013
Hedgerows Regulations 1997
Highways Act 1980
Home Energy Conservation Act 1995
Homelessness Act 2002
Homelessness Reduction Act 2017
Housing Act 1985, 1988, 1996, 2004
Housing and Planning Act 2016
Housing and Regeneration Act 2008
Housing Grants Construction and Regeneration Act 1996
Inclosure Act 1857
Land Compensation Act 1973
Landlord and Tenant Act 1985
Leasehold Reform Housing and Urban Development Act 1993
Local Democracy, Economic Development and Construction Act 2009
Local Government Act 1972, 2003
Local Government and Housing Act 1989
Local Government, Planning and Land Act 1980
Local Government (Miscellaneous Provisions) Act 1976, 1982
Localism Act 2011
Local Transport Act 2008
Mobile Homes Act 2013
National Parks and Access to the Countryside Act 1949
Natural Environment and Rural Communities Act 2006
Neighbourhood Planning Act 2017
New Roads and Street Works Act 1991
Open Spaces Act 1906
Parking Places (Variation of Charges) Act 2017
Party Wall etc. Act 1996
Planning and Compulsory Purchase Act 2004
Planning (Hazardous Substances) Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Act 2008
Private Security Industry Act 2001

~~Proceeds of Crime Act 2002~~
~~Protection from Eviction Act 1977~~
~~Protection of Freedoms Act 2012~~
~~Railway Clauses Consolidation Act 1845~~
~~Regulatory Reform (Housing Assistance) (England and Wales) Order 2002~~
~~Road Traffic Regulation Act 1984~~
~~Safety of Sports Grounds Act 1975~~
~~The Conservation of Habitats and Species Regulations 2010~~
~~Theft Act 1968~~
~~Town and Country Planning Act 1990~~
~~Town and Country Planning (Use Classes Order) 1987~~
~~Town and Country Planning (Control of Advertisements) (England) Regulations 2007~~
~~Town and Country Planning (Environmental Impact Assessment) Regulations 2011~~
~~Town and Country Planning (General Permitted Development) Order 1995~~
~~Town and Country Planning (Development Management Procedure) (England) Order 2010~~
~~Town and Country Planning (Local Planning) (England) Regulations 2012~~
~~Town Police Clauses Act 1847~~
~~Traffic Management Act 1984, 2004~~
~~Transport Act 1985, 2000~~
~~Warm Homes and Energy Conservation Act 2000~~
~~Wildlife and Countryside Act 1981~~

Appendix 2 to Table 6

~~Administration of Justice Act 1970~~
~~Allotments Act 1922, 1925, 1950~~
~~Animal Act 1971~~
~~Animal Welfare Act 2006~~
~~Anti-social Behaviour Act 2003~~
~~Anti-social Behaviour, Crime and Policing Act 2014~~
~~Burial Act 1853~~
~~Burial Act 1857~~
~~Civic Amenities Act 1967~~
~~Clean Neighbourhoods and Environment Act 2005~~
~~Coast Protection Act 1949~~
~~Conservation of Habitats and Species Regulations 2010~~
~~Construction (Design and Management) Regulations 2015~~
~~Control of Horses Act 2015~~
~~Control of Pollution (Amendment) Act 1989~~
~~Control of Pollution Act 1974~~
~~Copyright, Designs and Patents Act 1988~~
~~Countryside Act 1968~~
~~Countryside and Rights of Way Act 2000~~
~~Cremation Act 1902, 1952~~
~~Crime and Disorder Act 1998~~
~~Criminal Damage Act 1971~~
~~Criminal Justice and Police Act 2001~~
~~Criminal Justice and Public Order Act 1994~~
~~Dangerous Dogs Act 1991~~
~~Deregulation Act 2015~~

Durham City Council Act 1985
Electricity At Work Regulations 1989
Environment Act 1995
Environmental Protection Act 1990
Firearms Act 1968
Flood and Water Management Act 2010
Hazardous Waste (England and Wales) Regulations 2005
Health and Safety at Work etc. Act 1974
Highways Act 1980
Household Waste Recycling Act 2003
Housing Grants, Construction and Regeneration Act 1996
Land Drainage Act 1991 and 1994
Landfill (England and Wales) Regulations 2002
Local Authorities' Cemeteries Order 1977
Local Democracy, Economic Development and Construction Act 2009
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976, 1982
Local Transport Act 2008
Localism Act 2011
Management of Health and Safety at Work Regulations 1999
Museums and Galleries Act 1992
National Parks and Access to the Countryside Act 1949
Natural Environment and Rural Communities Act 2006
New Roads and Street Works Act 1991
Occupiers Liability Act 1984
Offender Management Act 2007
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
Police Reform Act 2002
Protection of Freedoms Act 2012
Public Health Acts Amendment Act 1907
Public Health Act 1925, 1936, 1961
Public Libraries and Museums Act 1964
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic Act 1988
Road Traffic Regulations Act 1984
Road Traffic (Temporary Restrictions) Act 1991
Road Traffic Regulation (Special Events) Act 1994
Safety of Sports Grounds Act 1975
Small Holdings and Allotments Act 1908
Sporting Events (Control of Alcohol etc) Act 1985
Theatres Act 1968
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847
Town Police Clauses Act 1847
Traffic Calming Act 1992
Traffic Management Act 2004
Transport Act 1968, 1981, 1985, 2000
Waste Minimisation Act 1998
Waste Batteries and Accumulators Regulations 2009
Waste Electrical and Electronic Equipment Regulations 2013
Waste (England and Wales) Regulations 2011

Weeds Act 1959
Wildlife and Countryside Act 1981

Appendix 3 to Table 6

Administration of Justice Act 1970
Agriculture Act 1970
Animal Boarding Establishments Act 1963
Animal By-Products (Enforcement) (England) Regulations 2013
Animal Feed (England) Regulations 2010
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015
Animal Health Act 1981
Animal Welfare Act 2006
Animals and Animal Products (Examination for residues and Maximum Residue Limits) Regulations 1997
Anti-social Behaviour Act 2003
Anti-social Behaviour, Crime and Policing Act 2014
Avian Influenza (Preventive Measures) (England) Regulations 2006
Avian Influenza (Vaccination) (England) Regulations 2006
Bluetongue Regulations 2008
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Cattle Identification Regulations 2007
Children and Families Act 2014
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985 and 2006
Consumer Rights Act 2015
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Contaminants in Food (England) Regulations 2013
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright, Design and Patents Act 1988
Crime and Disorder Act 1998
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Courts and Legal Services Act 1990
Dangerous Substances and Explosive Atmospheres Regulations 2002
Dangerous Wild Animals Act 1976
Deregulation Act 2015

Development of Tourism Act 1969
Education Reform Act 1988
Eggs and Chicks (England) Regulations 2009
Employment of Women, Young Persons and Children Act 1920
Energy Act 1976
Energy Act 2011
Energy Act 2013
Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
Enterprise Act 2002
Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2015
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Explosives (Age of Purchase etc) Act 1976
Fair Trading Act 1973
Food Act 1984
Food Information Regulations 2014
Food Safety and Hygiene (England) Regulations 2013
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Gambling Act 2005
Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004
Hallmarking Act 1973
Health Act 2006
Health Act 2009
Health and Safety at Work, etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Housing Act 2004
Housing Grants, Construction and Regeneration Act 1996
Hypnotism Act 1952
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1991
Land Drainage Act 1994
Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Local Authorities Goods and Services Act 1970
Local Government Act 1972
Local Government Act 1974
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Review of Decisions) Act 2015
Localism Act 2011
Materials and Articles in Contact with Food (England) Regulations 2012
Medicines Act 1968
Microchipping of Dogs (England) Regulations 2015
Mines and Quarries Act 1954

~~Mobile Homes Act 2013~~
~~Motor Cycle Noise Act 1987~~
~~Motor Salvage Operators Regulations 2002~~
~~National Assistance Act 1948~~
~~Noise Act 1996~~
~~Noise and Statutory Nuisance Act 1993~~
~~Official Feed and Food Controls (England) Regulations 2009~~
~~Performing Animals (Regulation) Act 1925~~
~~Pesticides Act 1998~~
~~Pesticides (Fees and Enforcement) Act 1989~~
~~Pet Animals Act 1951~~
~~Pet Animals Act 1951 Amendment Act 1983~~
~~Petroleum (Consolidation) Regulations 2014~~
~~Poisons Act 1972~~
~~Police, Factories etc. (Miscellaneous Provisions) Act 1916~~
~~Pollution Prevention and Control Act 1999~~
~~Prevention of Damage by Pests Act 1949~~
~~Prices Act 1974~~
~~Proceeds of Crime Act 2002~~
~~Protection of Animals Act 1911~~
~~Psychoactive Substances Act 2016~~
~~Public Health Act 1936~~
~~Public Health Act 1961~~
~~Public Health (Control of Diseases) Act 1984~~
~~Public Health (Ships) Regulations 1979~~
~~Public Health (Ships) (Amendment) (England) Regulations 2007~~
~~Public Health Acts Amendment Act 1907~~
~~Prevention and management of the introduction and spread of invasive alien species Regulation (EU) No 1143/2014~~
~~Regulatory Enforcement and Sanctions Act 2008~~
~~Riding Establishments Acts 1964 and 1970~~
~~Road Traffic (Foreign Vehicles) Act 1972~~
~~Road Traffic Acts 1988 and 1991~~
~~Road Traffic Offenders Act 1988~~
~~Road Traffic (Consequential Provisions) Act 1988~~
~~Scrap Metal Dealers Act 2013~~
~~Scotch Whisky Regulations 2009~~
~~Spirit Drinks Regulations 2008~~
~~Sheep and Goats (Records, Identification and Movement) (England) Order 2009~~
~~Slaughter of Poultry Act 1967~~
~~Solicitors Act 1974~~
~~Sunbeds (Regulations) Act 2010~~
~~Sunday Trading Act 1994~~
~~Telecommunications Act 1984~~
~~Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010~~
~~Tobacco Advertising and Promotion Act 2002~~
~~Town and Country Planning Act 1990~~
~~Town Police Clauses Act 1847~~
~~Trade in Animals and Related Products Regulations 2011~~
~~Trade Descriptions Act 1968~~
~~Trade Marks Act 1994~~
~~Traffic Management Act 2004~~
~~Unsolicited Goods and Services Acts 1971~~

~~Unsolicited Goods and Services (Amendment) Act 1975~~
~~Video Recordings Acts 1984, 1993 and 2010~~
~~Water Industry Act 1991~~
~~Weights and Measures Act 1985~~
~~Wine Regulations 2011~~
~~Zoo Licensing Act 1981~~

Appendix 1 4 to Table 6 - Delegation of Licensing Act 2003 responsibilities

Matter to be dealt with	(1) Full Committee	(2) Sub-Committee	(3) Officers
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.			All cases, in consultation with the Chairman or Vice Chairman of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	

Appendix 25 to Table 6 - Gambling Act 2005 – Scheme of Delegations

Gambling Act 2005	Functions	Delegation
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with Chairman or Vice-Chairman at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee

Gambling Act 2005	Functions	Delegation
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in his absence the Central Services Manager) (Refusal to be exercised only in consultation with Chairman or Vice-Chairman of the Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 11 Paragraph 44 Paragraph 48	Registration of society for small society lottery Refusal of application for registration of society for small society lottery	Officers Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers

Gambling Act 2005	Functions	Delegation
<p>Schedule 12 Paragraphs 5 and 10 and 24</p> <p>Paragraph 15</p> <p>Paragraph 21</p> <p>Paragraph 22</p>	<p>Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)</p> <p>Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received</p> <p>Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)</p> <p>Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received</p> <p>Cancellation of Club Gaming Permit and Club Registration Permit</p> <p>Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee</p>	<p>Licensing Sub-Committee</p> <p>Officers</p> <p>Licensing Sub-Committee</p> <p>Officers</p> <p>Licensing Sub-Committee</p> <p>Officers</p>
<p>Schedule 13 Paragraphs 4, 15 and 19</p> <p>Paragraph 16</p>	<p>Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit</p> <p>Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)</p>	<p>Officers (Refusal and limitation on number of machines only in consultation with Chairman or Vice-Chairman of the Licensing Committee)</p> <p>Licensing Sub-Committee</p>
<p>Paragraph 17</p>	<p>Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received</p> <p>Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee</p>	<p>Officers</p> <p>Officers</p>
<p>Schedule 14 Paragraphs 9 and 18</p> <p>Paragraph 15</p>	<p>Determination of application for Prize Gaming Permit and application for renewal of Permit</p> <p>Determination that Prize Gaming Permit has lapsed</p>	<p>Officers (Refusal only in consultation with Chairman or Vice-Chairman of Licensing Committee)</p> <p>Officers</p>

Appendix 3 6 to Table 6 - Hackney Carriage and Private Hire Licensing

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Drivers Licence where there are no concerns over their fitness and propriety			X
Application for a Drivers Licence where doubts on fitness and propriety are minor traffic offences			X
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy		X	
Application for a Drivers Licence where there is any other doubt on suitability		X	
Revocation of Driver or Operator Licence		X	
Revocation of Vehicle Licence			X
Suspension of Licences			X

Table 7

Delegations to the Corporate Director of Resources

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director of Resources is authorised to discharge any function of the Executive in relation to:-

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- People and Talent Management
- ICT Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages
- Customer Services

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and Non-Executive Delegations

- (i) To authorise the termination of employment of staff by reason of early retirement and or voluntary redundancy, in consultation with the Cabinet Portfolio Member for Social Inclusion.
- (ii) To determine the early release of pension benefits on compassionate grounds, in consultation with the Cabinet Portfolio Member for Social Inclusion, having regard to any representations received from Opposition Group Leaders

Finance and Corporate Services

1. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax and business rates, **including making arrangements for the use of Enforcement Agents where appropriate.**
2. The administration of housing benefits, including Discretionary Housing Payments and the administration of the Local Council Tax Support Scheme (from 1 April 2013).

3. To establish and amend / update the Council's Discretionary Housing Payments Policy.
4. To establish and amend / update the Council's Welfare Assistance Scheme Policy and to administer applications and awards under the scheme.
5. To establish and amend / update the Council's Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
6. To establish and amend / update the Council's Non-Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment Arrangements, including:
 - (a) To waive or reduce charges for care services in individual cases.
 - (b) To disregard the value of a property in a financial assessment.
- ~~3~~ 7. The provision ~~operation and commissioning~~ of a Welfare Rights Service and the commissioning of ~~Citizens Advisory Service~~ Advice Services, including overseeing the Advice in County Durham Partnership.
4. 8. To exercise the budgetary control functions referred to the Corporate Director under the Council's Financial Procedure Rules.
5. 9. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
- ~~6-~~ 10. To maintain an effective internal audit service.
- ~~7.~~ 11. To act as lead officer for the Audit Committee.
8. 12. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
9. 13. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement
- ~~10-~~ 14. To make appropriate banking arrangements on behalf of the Council.
- ~~11.~~ 15. To insure against risks where this is considered appropriate.
- ~~12.~~ 16. The operation of the Council's accounting systems and payroll.
- ~~13.~~ 17. To authorise the release of funds from contingencies as set out in the Revenue Budget and to forecast and to manage the Council's Collection

Funds, making adjustments to payments to principal precepting bodies as appropriate.

44. 18. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
45. 19. To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
 - (a) Section 115(2) (Accountability of Officers);
 - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)
46. 20. To write off debts.
47. 21. To deal with the payment of Coroner's remuneration and expenses.
48. 22. To ensure appropriate financial arrangements across the Council.
49. 23. To approve premises for the solemnization of marriages and the registration of civil partnerships.
20. 24. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
21. 25. To authorise expenditure within the approved budget for civic hospitality.
22. 26. To agree the terms of loans permitted under law.
23. 27. To make a statutory declaration of local authority mortgage interest.
24. 28. To respond to notices in relation to EU financial sanctions.
25. 29. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
26. 30. To forecast yield from Business Rates including the completion and submission to Government of the NNDR 1 and NNDR 3 returns, factoring the implications of the Business Rate Retention Scheme (from 1 April 2013) into the Medium Term Financial Plan and maintaining a Collection Fund in accordance with proper accounting practice.
31. To establish and amend / update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.
32. To establish and amend / update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.
- 27 33. To establish and amend the a Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.

- ~~28.34.~~ To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, **including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.**
- ~~29.35.~~ To apply to the Court of Protection for Deputyship or single orders related to finance and property **and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.**
- ~~30.36.~~ To waive or reduce charges for care services in individual cases.
- ~~31.37.~~ To disregard the value of a property in a financial assessment.
- ~~32.38.~~ To ensure appropriate arrangements are in place in respect of the effective administration of pooled DCC and NHS monies included within the Durham Better Care Fund **and associated integrated budgets.**
- ~~33.39.~~ In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:
- (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
 - (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
 - (c) To administer the financial affairs of the Pension Fund;
 - (d) To agree the write-off of bad debts;
 - (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
 - (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.
 - (g) To maintain all necessary accounts and records in relation to the Pension Fund, including the preparation of the Annual Accounts;
 - (h) To ensure that appropriate arrangements for the administration of benefits are in place, including the calculation of and payment of benefits, and collection of contributions;
 - (i) To manage the triennial valuation of the Pension Fund including the preparation of membership data for actuarial valuation purposes.

- (j) To ensure appropriate Additional Voluntary Contribution arrangements are in place;
- (k) To pay death grants in accordance with the agreed Death Grant Procedures
- (l) To approve the payment of Dependents' Pensions in accordance with the agreed procedures
- (m) To maintain the system of internal control.
- (n) To accept for admission into the Pension Fund employees of authorities and bodies as prescribed in Regulations;
- (o) To deal with stage 2 appeals under the dispute procedure for the Local Government Pension Scheme.
- (p) To set the appropriate investment objectives and the strategic asset allocation taking into consideration the Pension Fund's liabilities as calculated by the Pension Fund's Actuary;
- (q) To monitor and review the investments made by the investment managers and to review their performance against established benchmarks. To report on the Investment Managers' performance to each meeting of the Pension Fund Committee;
- (r) To manage the Pension Fund's cash flow and allocate funds between investment managers in order to ensure that the Pension Fund's strategic asset allocation is maintained and invest the residual cash balances.
- (s) To manage the cash balances not allocated to Investment Managers in accordance with the Treasury Management Strategy and Policy approved by the Pension Fund Committee;
- (t) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee.
- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement

- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles.
- (w) To review the policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of all the specific risks that can be identified in relation to the management of the Pension Fund.
- (y) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles within the pooled arrangements.
- (z) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on the performance of the investment managers to each meeting of the Pension Fund Committee.

People and Talent Management

- 34.40.** To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 35.41.** To approve the regrading of posts up to and including Head of Service level.
- 36.42.** To offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.
- 37.43.** To determine applications for the extension of sick pay.
- 38.44.** To approve applications for leave of absence in cases not covered by the Council's policies.
- 39.45.** To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
- 40.46.** To approve overtime payments for employees above ~~spinal column point 2~~ Grade 8.
- 41.47.** To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.
- 42.48.** To coordinate the Member Training and Development Programme including:
 - (a) management of the approved Member Training and Development Budget and

- (b) authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.

~~43.49.~~ To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.

~~44.50.~~ To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.

~~45.51~~ To negotiate and agree local agreements changing staff terms and conditions of employment.

~~46.52.~~ To formulate and implement policies relating to employed staff.

Legal and Democratic Services

The following matters are delegated to the Head of Legal and Democratic Services:

~~47.53.~~ To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.

~~48.54.~~ To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act, 1985.

~~49.55.~~ To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.

~~50.56.~~ To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.

~~51.57.~~ (a) To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.

- (b) To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.

- (c) To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.
- 52.58.** (a) To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.
- (b) To sign or attest the Council's seal to all documents referred to in sub-paragraph (a)
- 53.59.** To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.
- 54.60.** (a) Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.
- (b) To commission external legal advice as required.
 - (c) To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 55.61.** To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director of Resources as s151 Officer and then with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
- 56.62.** To settle claims from staff for damage to personal property in accordance with the Council's policies.
- 57.63.** In consultation with the Chairman of the Corporate Overview and Scrutiny Management Board, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).
- 58.64.** To:
- (a) appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
 - (b) undertake the role of company secretary in any company for which the Council provides secretarial or administrative services.
- 59.65.** In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.

- 60.66. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
- 61.67. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- 62.68. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
- 63.69. To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).
- 64.70. In consultation with the Corporate Director of Regeneration and Local Services and the Chairman and Vice-Chairman of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.
- 65.71. To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.
- 66.72. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.
- 67.73. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.
- 68.74. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.
- 69.75. To discharge the Council's functions in relation to Local Land Charges.

Table 8

Delegations for Major Programmes

In addition to the delegations granted in this part of the Constitution, Chief Officers are authorised from time to time to carry out functions relating to specific projects in collaboration with various Cabinet Portfolio Members. The delegations to the Chief Officers are contained in the relevant Cabinet reports relating to the projects.

Appendix 5: Council Procedure Rules and Executive Procedure Rules

Council Procedure Rules

CONTENTS

Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Time and Place of meetings
5. Notice of and summons to meetings
6. Chair of meeting
7. Quorum
8. Petitions from the public
9. Questions
10. Motions on notice
11. Motions without notice
12. Rules of debate
13. Previous decisions and motions
14. Voting
15. Minutes
16. Record of attendance
17. Exclusion of public
18. Members' conduct
19. Disturbance by public
20. Suspension and amendment of Council Procedure Rules
21. Application to Committees and Sub-Committees

22. Appointment of Substitute Members on Council Bodies

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

- (a) elect a person to preside if the Chairman of the Council is not present;
- (b) elect the Chairman of the Council;
- (c) elect the Vice-Chairman of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman and / or the Head of Paid Service;
- (f) subject to Article 6.03, elect the Leader in the year of an ordinary election of councillors;
- (g) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Articles 4 and 6 of this Constitution);
- (h) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Article 4 of this Constitution);
- (i) approve a programme of ordinary meetings of the Council for the year; and
- (j) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which committees and sub-committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;

- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- (e) appoint the Chairmen and Vice-Chairmen of Committees.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as set out below. **At the ordinary meeting of council where there is consideration of the annual budget and setting of the council tax (usually held in February) agenda items (f) and (m) will not be included on the agenda, unless in relation to agenda item (m) there are exceptional circumstances and have the approval of the Chairman of the Council, and Head of Legal and Democratic Services.**

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman;
- (e) receive a report from the Leader and receive questions and answers on the report;
- (f) ~~receive questions from, and provide answers to those that are submitted through Area Action Partnerships (AAPs), which in the opinion of the Chairman are relevant to the Council's functions;~~ receive a brief presentation on the work of an AAP.
- (g) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (h) receive petitions from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (i) receive a report from the Executive and receive questions and answers on the report;
- (j) receive reports from the Council's committees and receive questions and answers on those reports;

- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Corporate Overview and Scrutiny Management Board;
- (m) consider motions; and
- (n) deal with questions from Members in accordance with Rule 9.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

The Head of Legal and Democratic Services may call Council meetings in addition to ordinary meetings and those listed below may request the Head of Legal and Democratic Services to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) any 5 Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4. TIME, PLACE AND DURATION OF MEETINGS

4.1 Time and Place of Meetings

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

4.2 Duration of Meetings

- (a) At an ordinary meeting of the Council, when two and a half hours have elapsed after the commencement of the meeting, the Chairman shall,

at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.

- (b) If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.
- (c) During the process set out in paragraphs (a) and (b) above the only other motions which may be moved are that a matter be withdrawn under Rule 12.8, that a particular Rule be suspended under Rule 21.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 11.
- (d) When all motions and recommendations have been dealt with, the Chairman will declare the meeting closed.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Head of Legal and Democratic Services will send a summons signed by him to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting 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 does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. PETITIONS FROM THE PUBLIC

8.1 Notice of Petition

If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.

8.2 Presentation of Petitions

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

8.3 Number of Petitions

At any one meeting no person or organisation may present more than one petition.

8.4 Scope of Petitions

The Head of Legal and Democratic Services may reject a petition if it:

- Does not qualify under the scheme;
- It is vexatious, abusive or otherwise inappropriate;
- It is a petition qualifying under another enactment;
- It is excluded by order e.g.:
 - (i) It relates to a planning decision;
 - (ii) It relates to a licensing decision;
 - (iii) It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

9. QUESTIONS

BY THE PUBLIC

9.1 Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

9.2 Time Allowed for questions

The time allowed for considering questions under this Rule shall not, without the consent of the Council, exceed 10 minutes.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

9.4 Number of questions

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

9.5 **Scope of questions**

The Head of Legal and Democratic Services may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the County;
- (b) is defamatory, frivolous or offensive;
- (c) is vexatious or abusive;
- (d) is substantially the same **or similar to as** a question which has been put at a meeting of the Council in the past six months;
- (e) requires the disclosure of confidential or exempt information;
- (f) is lengthy, or a speech;
- (g) relates to a matter which is of purely personal concern to an individual or family members;
- (h) relates to court action or threatened court action that the person or group are taking against the Council;
- (i) is a request for compensation;
- (j) contains a statement which is untrue;
- (k) is an unintelligible question;
- (l) relates to a matter on which the Council has, or may, determine a policy;

BY AREA ACTION PARTNERSHIPS

9.6 Area Action Partnerships may ask questions of Members of the Executive at ordinary meetings of the Council.

9.7 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than 5.00 pm 6 working days before the day of the meeting. Each question must give the name of the Area Action Partnership posing the question.

BY MEMBERS

9.8 **On reports of the Executive or committees**

Subject to 9.11 and 9.13, a Member of the Council may ask the Leader or the chairman of a committee any question on a report from the Executive or Committee.

9.9 Questions on notice at full Council

Subject to Rule 9.11, a Member of the Council may ask:

- (a) the Chairman, a member of the Executive or the chairman of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the County, and
- (b) the Chairman of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

9.10 Questions on notice at Committees and Sub-Committees

Subject to Rule 9.11, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

9.11 Notice of questions

A member may ask a question under Rule 9.8, 9.9 or 9.10 if either:

- (a) they have given notice of the question in writing or by electronic mail no later than midday 3 working days before the day of the meeting to the Head of Legal and Democratic Services; or
- (b) the question relates to urgent matters, they have the consent of the Chairman or member to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 9.00 a.m. on the day of the meeting.

9.12 One Question per Member

A Member may ask only one question under Rule 9.8, 9.9 or 9.10 except with the consent of the Chairman of the Council, committee or sub-committee.

9.13 Supplementary question

A Member asking a question under Rule 9.8, 9.9 or 9.10 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

9.14 Length of Speeches

Neither a Member asking a question under Rule 9.9 or 9.10 nor a Member answering such a question may speak for longer than three minutes each unless the Chairman consents to a longer period.

9.15 Content of Questions

Questions under Rule 9.8, 9.9 or 9.10 must, in the opinion of the Chairman:

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy;
- (c) not relate to questions of fact;
- (d) not require the disclosure of confidential or exempt information;
- (e) not relate to a matter which is of purely personal concern to an individual / family members.

9.16 Time Allowed for Member Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 9.9 or 9.10 shall not, without the consent of the Council, exceed 30 minutes;
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

GENERALLY

9.17 Record of questions

The Head of Legal and Democratic Services will immediately send a copy of any question received to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be available to all Members and the public attending the meeting. Copies of the questions asked at the meeting and the responses will also be available on the Council's website with the agenda for the relevant meeting.

9.18 Order of questions

- (a) Questions from the Area Action Partnerships (AAPs) received in accordance with Rule 9.7 will be asked in the order notice of them was received, except that the Chairman may group together similar questions;
- (b) Questions from the public received in accordance with the provisions of Rule 9.3 will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- (c) Questions from Members received in accordance with Rule 9.9 or 9.10

will be asked in the order determined by the Chairman of the Council, committee or sub-committee.

9.19 Asking the question at the meeting

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

9.20 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

9.21 Written answers

- (a) Any question from the public which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Copies of the questions and responses will be available on the Council's website with the agenda for the relevant meeting.
- (b) Where a reply can not conveniently be given orally to a question from a Area Action Partnership or Member, a written answer will be circulated later to the questioner.

9.22 Reference of question to the Executive or a committee

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

10. MOTIONS ON NOTICE

10.1 Application of Rules

Rules 10.2 to 10.7 do not apply to motions on notice under rule 10.8.

10.2 **Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, must be delivered to the Head of Legal and Democratic Services not later than 5.00 p.m. on the seventh working day before the Council meeting at which it is to be considered.

10.3 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order determined by the Chairman.

10.4 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the County.

10.5 **Motion to remove the Leader**

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least 2 political groups.
- (b) In order for such a motion to be carried it must have the support of at least two-thirds of those members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

10.6 **One Motion per Member**

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chairman.

10.7 **Time Allowed for Motions**

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 30 minutes. At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chairman shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);

- (b) if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- (c) otherwise, the Chairman shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

10.8 Motions to Amend Budget and Policy Framework

Written notice of a motion to move an amendment of the Executive's proposals for the Council's budget and policy framework, subject to the Budget and Policy Framework Procedure Rules, must be delivered to the Head of Legal and Democratic Services not later than midday 3 working days before the Council meeting at which it is to be considered. Motions received after that deadline will only be considered in exceptional circumstances and with the approval of the Chairman, section 151 officer and Head of Legal and Democratic Services.

11. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;

- (k) to adjourn a meeting;
- (l) to suspend a particular Council procedure rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

12. RULES OF DEBATE

12.1 No speeches until motion seconded

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

12.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman will require it to be written down and handed to him before it is discussed.

12.3 Secunder's speech

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

12.4 Questions on Motions

Once a motion has been moved and seconded, before moving on to speeches, the Chairman will ask members if they have any questions on the Motion. A member who asks or answers a question on the motion will retain the right to make a speech on the motion.

12.5 Content and length of speeches

- (a) Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- (b) A speech by the mover of a motion may not exceed five minutes without the consent of the Chairman, save where two items are being considered together, in which case paragraph (e) will apply.
- (c) Subject to paragraphs (d) and (e) below, speeches by other Members, **including those members speaking during their right to reply**, may not exceed three minutes without the consent of the Chairman.

- (d) When the Council's annual budget is under discussion, the Leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.
- (e) When two agenda items are being considered together, the proposer and seconder of the motion, and the Leaders of each political group on the Council, will be entitled to speak for double the usual allotted time under (b), (c) and (d) above.

12.5 When a Member may speak again

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

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

12.6 Amendments to motions

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

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.7 **Alteration of motion**

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

12.8 **Withdrawal of motion**

A member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.9 **Right of reply**

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

12.10 **Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;

- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

12.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

12.13 Personal explanation

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

member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

13. PREVIOUS DECISIONS AND MOTIONS

13.1 Motion to rescind a previous decision

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

13.2 Motion similar to one previously rejected

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

14. VOTING

14.1 Majority

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

14.2 Chairman's casting vote

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

14.3 Method of Voting

Unless a recorded vote is demanded under Rule 14.4 the Chairman will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

14.4 Recorded vote

If ten members present at the meeting of full Council (or 5 members present at any other meetings of the authority to which these rules apply) request 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.

14.5 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.

14.6 Voting at budget decision meeting

Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

NOTE - Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

14.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

15. MINUTES

15.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

15.3 **Form of minutes**

Minutes will contain all motions and amendments in the form and order the Chairman put them.

16. **RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

17. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

18. **MEMBERS' CONDUCT**

18.1 **Speaking at meetings**

When a member speaks at full Council he must address the meeting through the Chairman. If more than one member signifies their intention to speak, the Chairman will ask one to speak. Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

18.2 **Chairman speaking**

When the Chairman speaks during a debate, any member speaking at the time must stop.

18.3 **Member not to be heard further**

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

18.4 **Member to leave the meeting**

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

18.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

19. **DISTURBANCE BY PUBLIC**

19.1 Removal of member of the public

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

19.2 Clearance of part of meeting room

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

20. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES

- 20.1 The substitution rules will not apply to meetings of the Executive, the Standards Committee or the Audit Committee.
- 20.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.
- 20.3 The Proper Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.
- 20.4 In order to be eligible to sit as substitutes on regulatory or administrative committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.
- 20.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 20.6 Substitute Members may attend meetings in that capacity only:
- (a) to take the place of the ordinary Member for whom they are designated substitute.
 - (b) where the ordinary Member will be absent for the whole of the meeting;
 - (c) where the ordinary Member has notified the Head of Legal and Democratic Services or the Democratic Services Manager of the intended substitution at least one hour before the start of the relevant meeting; and
 - (d) provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the County.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 10.5(c), 14.5 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting. Rule 10.5(c) can only be suspended by motion on notice and the motion must have the support of at least two thirds of those members present and voting.

21.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

22. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

- (a) All of the Council Rules of Procedure apply to meetings of full Council.
- (b) None of the rules apply to meetings of the Executive.
- (c) Only Rules 4-7 and 13 – 21 (but not Rule 18.1) apply to meetings of committees and sub-committees.
- (d) Rule 7 does not apply to meetings of the Statutory Licensing Sub-Committees or the Area Licensing Sub-Committees or the Appeals Sub-Committees for which the quorum is as specified in Article 4 of this Constitution.
- (e) Rule 14.4 does not apply to any committee or sub-committee with a membership of less than 5 members.

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are determined by the Leader. The Leader may provide for executive functions to be discharged by:

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 Delegation by the Leader

Following the annual meeting of the Council, the Head of Legal and Democratic Services, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in Article 6 of this Constitution. This will contain the following information about executive functions in relation to the coming year:

- (i) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- (iii) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements; and
- (iv) 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

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.

- (b) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) 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 Council's scheme of delegation and executive functions

- (a) The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Head of Legal and Democratic Services 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 or committee. The Head of Legal and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, 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 Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Executive meetings – when and where?

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public meetings of the Executive?

The Executive will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4 of the Local Authorities (Executive

Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

- (a) confidential information;
- (b) exempt information;
- (c) disorderly conduct.

1.8 Private meetings of the Executive

If the Executive is to hold a meeting in private and this means a meeting or part of a meeting during which the public are excluded, then at least 28 clear days before the private meeting it must:

- (a) make available at the Council offices a notice of intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of reasons for the meeting to be held in private.

Following that, at least 5 clear days before a private meeting, the Council must:

- (a) make available at its offices a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of the Council's response to any such representation.

1.9 Urgent Private Meeting of the Executive

Where the date by which a private meeting must be held makes compliance with Rule 1.8 impracticable, the meeting may only be held in private where the Executive has agreement from:-

- (a) the Chair of the Corporate Overview and Scrutiny Management Board;
or
- (b) if he/she is unable to act, the Chair of the Council; or
- (c) where there is no chair, the vice-chair of the Council

that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the Executive has obtained agreement to hold an urgent private meeting it must make available at the Council offices a notice setting out the reasons why the meeting is urgent and

cannot reasonably be deferred and publish that notice on the Council's website.

1.10 **Quorum**

- (a) The quorum for a meeting of the Executive shall be 3 including the Leader or Deputy Leader.
- (b) The quorum for a meeting of a committee of the Executive shall be 2.

1.11 **How are decisions to be taken by the Executive?**

- (a) Executive decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) 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.
- (c) Immediately after any vote is taken at a budget decision meeting of the Executive there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

NOTE 1 - *Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.*

2. **HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

2.1 **Who presides?**

The Leader will preside at any meeting of the Executive or its committees at which he is present. In his absence, the Deputy Leader will preside.

2.2 **Who may attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 **What business?**

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

- (i) questions from the public;

- (ii) consideration of the minutes of the last meeting;
- (iii) declarations of interest, if any;
- (iv) matters referred to the Executive (whether by the Corporate Overview and Scrutiny Management Board or one of the other Scrutiny Committees 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 Part 4 of this Constitution;
- (v) consideration of reports from the Corporate Overview and Scrutiny Management Board and Scrutiny Committees; and
- (vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Executive 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 undertaken with stakeholders and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the executive agenda?

- (a) The Leader will decide upon the schedule for meetings of the Executive. He may put any matter on the agenda of any Executive meeting whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter.
- (b) Any member of the Executive may require the Head of Legal and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.
- (c) The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties.

2.6 Questions by the Public

On matters of concern or interest

- 2.6.1 Members of the public may ask questions of Members of the Executive on matters of concern or interest, during the first formal item of business at every ordinary cabinet meeting.

On reports to be considered by the Executive

- 2.6.2 Members of the public may ask questions of Members of the Executive on reports that are to be considered by the Executive which are listed on the agenda for that meeting.

Notice of questions

- 2.6.3 A member of the public may ask a question under rules 2.6.1, and 2.6.2 if that if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner. Under rule 2.6.1 questions can be asked informally at the meeting if the Leader permits.

Order of questions

- 2.6.4 Questions in relation to rule 2.6.1 will be asked in the order notice of them was received, and for those relating to rule 2.6.2 at the time that the agenda item was being considered. The Leader may group together similar questions.

2.7 Questions by Members

On reports to be considered by the Executive

- 2.7.1 A member of the Council may wish to ask questions of Members of the Executive on reports that are to be considered by the Executive which are listed on the agenda for that meeting. There is no general right for non-Cabinet members to address Cabinet at their meetings, however if the decision to be made affects their division, or they have some other relevant consideration this may be accepted subject to rule 2.7.2

Notice of questions

- 2.7.2 A member wishing to ask a question must give notice by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than 14.00 hrs 2 working days before the day of the meeting, and must indicate their reason for asking the question. The Head of Legal and Democratic Services in consultation with the Leader of the Council will determine whether the question can be asked.

Order of questions

- 2.7.3 Questions will be asked in the order notice of them was received, and at the time that the agenda item was being considered.

Asking the question at the meeting

2.7.4 The Leader will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, a written reply will be given after the meeting. A restriction of 5 minutes per question will be applied, except at the discretion of the Leader.

2.8 Questions

Scope of questions

2.8.1 The Head of Legal and Democratic Services may reject a question from the public if it:

(a) does not relate to a matter of concern or interest; or

The Head of Legal and Democratic Services may also reject a question from the public or a Member if it:

(b) Subject to 2.8.1(a) above, is not about a matter for which the Executive is going to consider an item on the agenda for the meeting;

(c) is defamatory, frivolous or offensive;

(d) is vexatious or abusive;

(e) is substantially the same **or similar to** ~~as~~ a question which has been put at a meeting of the Executive in the past six months;

(f) requires the disclosure of confidential or exempt information;

(g) is lengthy, or a speech;

(h) relates to a matter which is of purely personal concern to an individual or family members;

(i) relates to court action or threatened court action that the person or group are taking against the Council;

(j) is a request for compensation;

(k) contains a statement which is untrue;

(l) is an unintelligible question.

Record of questions

2.8.2 The Head of Legal and Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

The questions asked at the meeting and the responses will be referred to in the minutes of the meeting.

Written answers

- 2.8.3 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

Reference of question to the Executive

- 2.8.4 Unless the Leader decides otherwise, no discussion will take place on any question.

Financial Procedure Rules

Contents

SECTION	PROCEDURE
1.0	Introduction
1.1	What are Financial Procedure Rules?
1.2	Why are they important?
1.3	Who do Financial Procedures apply to?
1.4	Who is responsible for ensuring they are applied?
2.0	Financial Management - General Roles and Responsibilities
2.1	The Role of the Full Council
2.2	The Role of Cabinet
2.3	The Role of the Audit Committee
2.4	The Role of the Chief Finance Officer
2.5	The Role of Chief Officers
3.0	Financial Planning
3.1	Strategic Planning
3.2	Budget Preparation
3.3	Budget Approval
3.4	Budget Transfers
3.5	Cash Limits
3.6	Budget Monitoring and Control of Income & Expenditure
3.7	Reporting Council Spending at Year End
3.8	Use of Council Reserves

4.0 Risk Management and Control of Resources

4.1 Risk Management

4.2 Internal Control

4.3 Insurance

4.4 Audit Requirements

4.5 Preventing Fraud & Corruption

4.6 Use of and Disposal of Assets

4.7 Confidentiality, Security and Protection of Information

4.8 Treasury Management

4.9 Banking

4.10 Income Collection

4.11 External Funding

4.12 Debt Collection

4.13 Voluntary Funds and Trust Funds

4.14 Purchase Cards

4.15 Employees

5.0 Financial Systems and Procedures

5.1 General

5.2 Contracts, Agreements & Purchasing

5.3 Payment of Members Allowances

5.4 Taxation

5.5 Council Tax Collection Fund

5.6 Business Rates Retention Scheme

5.7 Housing Revenue Account

6.0 Partnerships

1. INTRODUCTION

1.1 What are Financial Procedure Rules?

1.1.1 Financial Procedures provide the framework for managing the Council's financial affairs. The Financial Procedures are supported by more detailed Financial Management Standards which set out how the Procedures will be implemented. These are listed in Appendix A.

1.1.2 The Procedures identify the financial responsibilities of the full Council, the Cabinet, the Audit Committee and Officers.

1.1.3 To avoid the need for regular amendments due to changes in post titles, generic terms are included for officers as follows:

- The term, "Chief Finance Officer," refers to the Section 151 Officer who is currently the Corporate Director Resources.
- The term, "Chief Officers", refers to the Council's Chief Executive, the Corporate Directors and Director of Transformation and Partnerships
- The term, "Monitoring Officer", is currently the Head of Legal and Democratic Services.
- The term, "Chief Internal Auditor", refers to the Chief of Internal Auditor and Corporate Fraud Manager.

1.2 Why are they important?

1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These Procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.

1.2.2 Good, sound financial management is a key element of the Council's Corporate Governance framework which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

1.2.3 Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.

1.2.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.

1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

1.3 Who do Financial Procedures apply to?

1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.

1.3.2 Separate financial procedures have been incorporated into the Council's Scheme for Financing of Schools and relate to those matters where decisions have been delegated to school governing bodies.

1.3.3. These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.

1.3.4 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

1.4 Who is responsible for ensuring that they are applied?

1.4.1 Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by their staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.

1.4.2 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and / or to the Executive Members.

1.4.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.

1.4.4 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

2. FINANCIAL MANAGEMENT – GENERAL ROLES AND RESPONSIBILITIES

2.1 The Role of the Full Council

2.1.1. The Council has a duty towards its Council Tax payers with regard to financial decisions and their consequences. The full Council is responsible for approving the Budget and Policy Framework within which the Cabinet operates having regard to the Chief Financial Officer's comments in his report under Section 25 of the Local Government Act 2003. The budget setting process includes the approval of Prudential Indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The role of the Council is set out in this Constitution.

2.2 The Role of the Cabinet

2.2.1 The Cabinet (as the Council's Executive) is responsible for proposing the Budget and Policy Framework to full Council, and for discharging executive functions in accordance with the Budget and Policy Framework. The role of the Cabinet is set out in this Constitution.

2.3 The Role of the Audit Committee

2.3.1 The Audit Committee approves the final accounts and is an advisory committee to the Council and the Executive on audit and governance issues in order to provide independent assurance over the adequacy of the Council's risk management framework and associated control environment.

2.4 The Role of the Chief Finance Officer

2.4.1 The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Act 2003
- The Accounts and Audit (England) Regulations 2011
- The Code of Practice on Local Authority Accounting 2012/13 (the Code)

2.4.2 The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- The proper administration of the Council's financial affairs.
- Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the full Council for approval.
- Annually reviewing and updating, and monitoring compliance with Financial Management Standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information and advice to the Corporate Management Team, the Cabinet, the Council and the Audit Committee on all aspects of its activity including the presentation of appropriate financial options as necessary.
- Providing training for Members and officers on finance issues.
- Determining accounting policies and ensuring that they are applied consistently.
- Determining accounting procedures and records of the Council.
- Reporting, where appropriate, breaches of the Financial Procedures to the Council and/or Cabinet.
- Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- Ensuring the provision of an effective Internal Audit Function.
- Ensuring the provision of an effective Treasury Management Function.
- Advising on risk management.
- Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.
- Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting 2012/13 (the Code).
- Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- Ensuring that proper professional practices, standards and ethics are adhered to.
- Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

2.4.3. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council and to the External Auditors if the Council or one of its officers:

- Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- Is about to make an unlawful entry in the Council's accounts.

2.4.4 Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.

2.4.5 The Chief Finance Officer:

- Is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure that the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and procedures necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.
- Shall be given access to any information as is necessary to comply with his/her statutory duties and with the requirements and instructions of the Council.
- Shall be entitled to attend and report on financial matters directly to the Council, the Cabinet, and any committees or working groups the Council may establish and to the Corporate Management Team.
- Shall be sent prior notice of all meetings of the Cabinet and all Council bodies together with full agendas and reports and shall have authority to attend all meetings and take part in the discussion if he/she so desires.

2.5 The Role of Chief Officers

2.5.1 Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

2.5.2 Chief Officers are responsible for:

- Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Chief Financial Officer.
- Ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer.
- Consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.
- Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.

3. FINANCIAL PLANNING

3.1 Strategic Planning

3.1.1 The full Council is responsible for agreeing the Council's Budget and Policy Framework which will be proposed by Cabinet.

3.1.2 The preparation of the medium term financial plan is part of the strategic policy framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable and sustainable, and reflect Council priorities.

3.1.3 The policy framework comprises various plans and strategies, as defined in this Constitution. In terms of financial planning, the key elements are:

- The Council's performance management framework
- The Council Plan
- The Medium Term Financial Plan
- The Corporate Asset Management Plan
- The Workforce Development Plan
- The Sustainable Communities Strategy

3.1.4 The full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Under the Constitution, the Monitoring Officer has a duty to advise

whether decisions of the Cabinet are in accordance with the Budget and Policy framework.

3.1.5 Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas in accordance with the corporate performance framework determined by the Assistant Chief Executive. Service improvement plans should align with Council values and priorities and be consistent with and based upon the budget allocated by the Council to the service.

3.2 Budget Preparation

3.2.1 The Cabinet, in consultation with the Chief Finance Officer is responsible for determining the general budget strategy and issuing annual guidelines to Members and Chief Officers on:

- Preparing a detailed revenue budget for the following year
- Preparing the Medium Term Financial Plan (4 years)
- Preparing the capital programme
- The timetable for preparing and agreeing the Council's revenue and capital budget

3.2.2 The guidelines will take account of:

- Council priorities as reflected in the Council plan
- Spending pressures
- What future funding is available
- What level of reserves are available
- The affordability, sustainability and prudence of capital investment plans
- Legal requirements
- Value for money and other relevant government guidelines
- Other internal policy documents
- Cross-cutting issues (where relevant)

3.2.3 The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures the consideration of the full Council's policy framework.

3.2.4 The Chief Finance Officer is responsible for ensuring that a detailed revenue budget is prepared on an annual basis and a general revenue plan on a four yearly basis (Medium Term Financial Plan) for consideration by Cabinet before submission to full Council.

3.2.5 The Chief Finance Officer is responsible for ensuring a capital programme is prepared on an annual basis for consideration by Cabinet before submission to the full Council.

- 3.2.6 It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full Council on the adequacy of the reserves for the Council.
- 3.2.7 Chief Officers are responsible for ensuring that budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

3.3 Budget Approval

- 3.3.1 The full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The policy framework comprises of a number of statutory plans and strategies.
- 3.3.2 The Council's revenue and capital budget will be proposed by the Cabinet, (on the advice of the Chief Finance Officer), and will be approved by the full Council.
- 3.3.3 The full Council may amend the proposed budget or ask the Cabinet to reconsider it before approving it.

3.4 Budget Transfers

- 3.4.1 During the year Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- 3.4.2 Budget transfers within services should be agreed at Service Management Teams and then reflected in the budgetary control template which feeds into the monthly update reports to CMT and the quarterly update reports to Cabinet. Once approved by CMT/Cabinet the budget can then be revised in Oracle.
- 3.4.3 Budget transfers between service groupings will require the agreement of both services before they can proceed.
- 3.4.4 Transfers to and from Earmarked Reserves need to be agreed by Service Management Teams and reflected in the budgetary control template. Cabinet will ultimately agree these transfers, the reason for which must be clear in the budgetary control report. The budget will be adjusted in Oracle to reflect the transfers, once agreed by Cabinet.
- 3.4.5 After the Quarter 3 Outturn Report to Cabinet no further budget adjustments can be made between services or between subjective headings within the same service for the remainder of the financial year.
- 3.4.6 A capital budget cannot be transferred to a revenue budget head.

3.4.7 The transfer of capital budgets will require approval by the Capital Member Officer Working Group (MOWG) and full approval by Cabinet. This will include:

- Re-profiling from one financial year to another
- Significant transfers within capital programme areas
- Transfers between capital programme areas within a service
- Transfers between services

3.4.8 Any increase in overall capital budget e.g. new grant funding or approval to increase borrowing must be approved by CMT and MOWG before full approval by Cabinet.

3.5 Cash Limits

3.5.1 What is the cash limit?

- All running costs of services which are under the control or influence of the Corporate Director.
- The Cash Limit Reserve is the balance which has been built up from any underspends in the year, or from previous years, that is earmarked for planned use by the service.

3.5.2 What are cash limits for?

- To give services the flexibility to manage their budgets over a period of more than one financial year.
- To avoid inappropriate spending decisions by budget managers, who may rush to spend their budget allocation as they approach year end in the fear that the budget will be reduced if the spend is not incurred.

3.5.3 What is not included in the cash limit?

- Corporate budgets (e.g. LGA and ANEC subscriptions)
- Members allowances and other costs
- Coroner's costs
- Investment income
- Capital charges and capital financing
- Recharges where Corporate Directors cannot influence the impact on their services (e.g. Central Admin, Customer Services, Design Services, Sustainable Transport Team and Corporate & Democratic Core)
- Other items as agreed by Cabinet

3.5.4 What happens if excessive costs impact upon service groupings (e.g. extreme weather events such as flooding or severe winters)?

- Requests for excessive costs to be deemed to be outside the cash limit will require approval by Cabinet.
- If approved they will be reported to Cabinet as part of the Forecast of Outturn Report and a budget transfer will be made to the service from contingencies.

3.5.5 At the end of each year any over or underspends of the cash limited element of the budget will be transferred to the cash limit reserve for each service grouping.

3.5.6 If any service grouping's cash limit reserve is insufficient to fund any overspends then the following year's budget will be reduced accordingly.

3.6 Budget Monitoring and the Control of Income and Expenditure

3.6.1 The Chief Finance Officer is responsible for:

- Developing an effective framework of budgetary management and control.
- Providing appropriate financial information to enable budgets to be monitored effectively.
- Reporting to Cabinet on the overall Council budget monitoring position on a quarterly basis.
- Reporting to all relevant Scrutiny Committees on a quarterly basis.
- All payments to employees, Members and creditors.
- Maintaining the Council's tax records.
- Advising Chief Officers on all taxation issues that affect the Council.
- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- Agreeing arrangements for the collection of income due to the Council.
- Agreeing banking, borrowing and other credit requirements, e.g. leasing.
- Agreeing the write-off of bad debts in accordance with the Council's Debt Recovery Policy.

3.6.2 The Cabinet is responsible for approving contractual arrangements for any work for third parties or external bodies unless the responsible Chief Officer is authorised in this respect under the Officer Scheme of Delegations at Part 3 of this Constitution.

3.6.3 Separate financial procedures for schools have been incorporated into the Council's Scheme for Financing Schools and relate to those matters where decisions have been delegated to school governing bodies.

3.6.4 It is the responsibility of Chief Officers to:

- Control income and expenditure within their service area.

- Monitor performance in conjunction with the budget taking account of financial information provided by the Chief Finance Officer.
- Report on spending variances within their own areas.
- Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

3.7 Reporting Council Spending at Year End

3.7.1 The Audit Committee is responsible for approving the annual audited Statement of Accounts.

3.7.2 The Chief Finance Officer is responsible for:

- Publishing a timetable for the closure of the accounts annually.
- Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the most up-to-date Code of Practice on Local Authority Accounting produced by CIPFA/LASAAC, the latest Accounts and Audit Regulations (England) and any other relevant guidelines.

3.7.3 It is the responsibility of Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

3.8 Use of Council Reserves

3.8.1 The Chief Finance Officer is responsible for advising Cabinet and/or the full Council on levels of reserves for the Council. The advice will be based upon an annual risk assessment of the prudent levels of reserves the Council should maintain.

3.8.2 The Chief Finance Officer will manage the Council reserves in accordance with decisions taken by the Cabinet and full Council.

4. RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Risk Management

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant Strategic and Operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

4.1.2 The Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.

- 4.1.3 The Council has nominated the Chief Finance Officer as the lead officer Risk Management Champion and the Deputy Leader as the Member Risk Champion.
- 4.1.4 The Chief Finance Officer is responsible for preparing the Council's Risk Management Policy Statement, promoting it throughout the Council and for advising the Cabinet on proper insurance cover for material risks where appropriate.
- 4.1.5 The Corporate Risk Management Group supported by the Corporate Risk Manager is responsible for reviewing strategic risks and reporting progress on the management of strategic risk to Cabinet.
- 4.1.6 It is the responsibility of Chief Officers to ensure that there are regular reviews of risk within their areas of responsibility, having regard to advice from the Council's Corporate Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

4.2 Internal Control

- 4.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 4.2.2 Internal control systems relate to all aspects of management, not just financial management, but it is particularly important that financial internal control systems are effective to safeguard the use of public funds, ensure that the financial accounts of the council are accurate, all transactions are legal and to prevent and detect fraud, misuse or irregularity.
- 4.2.3 The Chief Internal Auditor is responsible for advising on effective systems of internal control. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that risk management is embedded across the Council as internal controls are established to manage identified risks.
- 4.2.4 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to effectively manage risks which may prevent them from achieving corporate and service objectives, continuous improvement, value for money, and effective use of resources.
- 4.2.5 The Council is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations ~~2011~~2015. As part of this statement, the Chief Executive and the Leader of the Council are required to comment on the effectiveness of the entire

internal control environment within the Council as this is a key indicator of good governance.

4.2.6 It is the responsibility of the Chief Financial Officer and the Resources Service Grouping Management Team to prepare the Annual Governance Statement.

4.2.7 It is the responsibility of the Audit Committee to approve the Annual Governance Statement and to seek the necessary assurance that the Council's corporate governance arrangements including risk management and internal control are effective.

4.3 Insurance

4.3.1 Insurance provision is a way of managing risk.

4.3.2 The Chief Finance Officer is responsible for:

- Effecting insurances falling with the framework approved by Cabinet and dealing with all claims in consultation with other Chief Officers where necessary.
- Operating an adequately funded self-funding arrangement which protects the Council against undue loss and provides value for money. Services are recharged the costs incurred by the Council for self-funded claims and insurance related expenditure.
- Reviewing, at least annually, all insurances in consultation with Chief Officers where necessary.

4.3.3 It is the responsibility of Chief Officers to:

- Advise the Chief Finance Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required, and of any changes affecting existing risks or insurance cover required.
- Notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and provide such information and explanations required by the Chief Finance Officer or the Council's insurers
- Consult with the Head of Legal Services on the terms of any indemnity which they are requested to give on behalf of the Council.
- Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

4.4 Audit Requirements

4.4.1 Internal Audit is primarily an independent assurance function and is a statutory service in the context of the Accounts and Audit Regulations (England) 2014 2015, which state that:

“A relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices.”

- 4.4.2 The Public Sector Internal Audit Standards (PSIAS) and CIPFA’s Local Government Application Note, which came into effect April 2013 **and were further revised in April 2017** constitute proper practices to satisfy the requirements for larger relevant local government bodies as set out in the Accounts and Audit Regulations ~~2014~~. **2015**.
- 4.4.3 The Chief Finance Officer is responsible for:
- Ensuring an effective internal audit function is resourced and maintained.
 - Ensuring that the authority has put in place effective arrangements for the internal audit of the entire control environment.
 - Supporting internal audit arrangements.
 - Ensuring the Audit Committee receives the necessary advice and information so that both functions can operate effectively.
- 4.4.4 The strategy and terms of reference for Internal Audit are detailed in the Council’s Internal Audit Charter which is approved and reviewed by the Audit Committee.
- 4.4.5 **Following the abolition of the Audit Commission and in accordance with the Local Audit and Accountability Act 2014 and Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, the Public Sector Audit Appointments (PSAA) was formally established for Principal Local Government bodies to use as a sector led body to negotiate contracts and make appointments of External Auditors on behalf of the Council. ~~The Audit Commission is responsible for appointing external auditors to each local authority.~~** The basic duties of the external auditor are governed by ~~section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998~~ the Local Audit and Accountability Act 2014. Responsibility for the preparation and issuing of the current Audit Code of Practice and guidance to External Auditors resides with the Comptroller and Auditor General. ~~They are also required to follow the current Audit Code of Practice. The duties include reviewing the work of the internal auditors.~~ The Chief Finance Officer is responsible for implementing agreed actions in response to external audit findings and recommendations.
- 4.4.6 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, Ofsted, Care Quality Commission who have statutory rights of access. These bodies together with internal and external audit provide valuable assurance to the Audit Committee on the effectiveness of the Council’s corporate governance arrangements because of their independence and objectivity.

4.4.7 Chief Officers are responsible for taking relevant action in response to findings and recommendations arising from the work of all assurance providers, internal or external, or accepting the residual risk if no action is taken.

4.4.8 The Chief Internal Auditor is responsible for providing an annual audit opinion on the adequacy and effectiveness of the Council's entire internal control environment. This opinion will be reported in an annual audit report which is considered by both the Corporate Management Team and the Audit Committee. Any significant issues arising from this report will be reflected in the Annual Governance Statement.

4.5 Preventing Fraud and Corruption

4.5.1 The Council recognises its responsibility to protect the public purse and acknowledges that the public is entitled to expect the Council to conduct its affairs with integrity, honesty and openness and demand the highest standards of conduct from those working for it.

4.5.2 The Council is committed to maintaining an ethical culture which does not tolerate fraud and corruption. Any such issues will be thoroughly investigated and, if confirmed, dealt with rapidly in the strongest possible way. We will seek the strongest possible sanctions against those who seek to defraud the Council. This includes taking appropriate action against staff, members, contractors, external individuals and organisations.

4.5.3 The Chief Finance Officer has overall financial responsibility for the prevention of fraud and corruption and is liable to be called to account for specific failings. The Chief Finance Officer is responsible for ensuring that the Council is adequately resourced to respond to the fraud risk and has effective internal audit, counter fraud and investigatory resources to help Chief Officers prevent, detect and investigate potential cases of fraud and irregularity.

4.5.4 The Audit Committee will review and endorse the Council's Counter Fraud and Corruption Strategy and will seek assurance on its effectiveness and that of other fraud related policies and procedures.

4.5.5 Internal Audit independently monitors the existence, appropriateness and effectiveness of internal controls and assists managers to fulfil their responsibilities to prevent and detect fraud and corruption through the strengthening of internal controls.

4.5.6 Chief Officers are responsible for establishing, implementing and maintaining adequate systems of internal control, and to ensure that the Council's resources are properly applied. They should be familiar with and assess the types and risks of fraud or corruption that might occur within their area of responsibility and ensure that these risks are effectively managed.

4.5.7 Chief Officers are responsible for ensuring that their employees are aware of the Council's counter fraud and corruption strategy and know what to do, and what not to do, if they suspect fraud.

4.5.8 Chief Officers are responsible for ensuring that all cases of suspected fraud and corruption are investigated and are required to report all suspected cases to the Chief internal Auditor as soon as they arise.

4.5.9 Internal Audit will:

- Lead on awareness raising and facilitate corporate learning.
- Review the effectiveness of the policies and practices the Council has established to safeguard itself against the risk of fraud and corruption.
- Provide advice and guidance to managers and staff on the Counter Fraud and Corruption Strategy and the Fraud Response Plan.
- Provide advice on related legislation application e.g. Human Rights Act and Regulation of Investigatory Powers Act.
- Maintain a central record of reported fraud and corruption cases.
- Report to the Chief Officers and the Audit Committee on the use of resources to counter fraud and corruption and of any investigatory work undertaken.

4.5.10 The Chief Internal Auditor will take whatever steps are considered necessary, on behalf of the Chief Finance Officer, to ensure all suspected irregularities are investigated and reported in accordance with the Counter Fraud and Corruption Strategy, and Fraud Response Plan. Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration where fraud is suspected.

4.6 Use of and Disposal of Assets

4.6.1 Council assets include land, buildings, furniture, vehicles, plant and equipment, computer systems, stocks and stores, money and investments, data and information.

4.6.2 The Chief Finance Officer is responsible for issuing procedures to safeguard the use and disposal of Council assets, with the exception of land and buildings which are the direct responsibility of the Head of Planning and Asset Management.

4.6.3 Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody of all assets within their Service area and ensuring that assets are disposed of in

accordance with procedures approved by the Chief Finance Officer and/or the Head of Planning and Asset Management.

4.7 Confidentiality, Security and Protection of Information

- 4.7.1 All employees of the Council have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records, as specified in the Employee Code of Conduct set out in Part 4 this Constitution.
- 4.7.2 Specific guidance is given on current IT legislation, risks and security threats in relation to IT use in the Council's Information Security Manual.
- 4.7.3 It is the responsibility of Chief Officers to ensure that all computerised systems within their Service areas are operated in accordance with legal requirements and all appropriate officers are familiar with the guidance provided (e.g. ICT Policy, Personal Information Security Policy).
- 4.7.4 Financial records, manual and computerised, should be retained and disposed of in accordance with the Council's Document Retention Policy.

4.8 Treasury Management

- 4.8.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice.
- 4.8.2 Accordingly, the full Council is responsible for approving a Treasury Management Policy Statement, on an annual basis, stating the policies and objectives of its treasury management activities.
- 4.8.3 The full Council is also responsible for approving Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.8.4 The Council will receive reports on its Treasury Management policies, practices and activities, including as a minimum, an annual strategy and plan for the coming financial year at or before the start of each financial year and an annual report after its close, in the form prescribed in the TMPs.
- 4.8.5 The Council has delegated its responsibility for the implementation and monitoring of its Treasury Management policies and practices to the Cabinet.

- 4.8.6 Responsibility for the execution and administration of its Treasury Management decisions, including decisions on borrowing, investment and financing, have been delegated to the Chief Finance Officer, who will act in accordance with the Council's policy statements and TMPs.
- 4.8.7 The Chief Finance Officer is responsible for reporting to the Cabinet not less than three times in each financial year (Annual Strategy, Mid-Year Report and an Outturn Report) on the activities of the Treasury Management operation and on the exercise of his or her delegated Treasury Management powers.

4.9 Banking

- 4.9.1 All arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts shall be made solely upon direction of the Chief Finance Officer.
- 4.9.2 The Chief Finance Officer is responsible for the reconciliation of the Council's bank accounts with the Council's financial accounts.
- 4.9.3 Chief Officers are responsible for ensuring that all banking arrangements determined by the Chief Finance Office are observed and to advise him or her of any changes in their Services that may require a change in these arrangements.

4.10 Income Collection

- 4.10.1 The Chief Finance Officer is responsible for approving all methods of income collection, records and systems.
- 4.10.2 The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.
- 4.10.3 Accordingly, the Cabinet is responsible for approving the Council's Money Laundering Policy.
- 4.10.4 Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Chief Finance Officer who is responsible for nominating an officer (and deputy) to act as the Council's Money Laundering Reporting Officer.
- 4.10.5 Chief Officers are responsible for:
- Ensuring all income is held securely.
 - Ensuring compliance with income and banking arrangements specified by the Chief Finance Officer.
 - In consultation with the Chief Finance Officer reviewing fees and charges, at least annually.
 - Ensuring that all income is banked and allocated promptly and efficiently.

- Carrying out reconciliations in an accurate and timely manner.

4.11 External Funding

- 4.11.1 Chief Officers are responsible for ensuring that any bids for external funding are made in consultation with the Chief Finance Officer.
- 4.11.2 Chief Officers must ensure that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed.
- 4.11.3 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers are responsible for providing all necessary information to enable this to be achieved.

4.12 Debt Collection

- 4.12.1 The Cabinet is responsible for approving the Council's debt recovery policy.
- 4.12.2 The Chief Finance Officer is responsible for maintaining records of debts and the implementation of the Council's debt recovery policy.
- 4.12.3 Chief Officers are responsible for:
 - Ensuring effective systems are in place to allow sums due to the Council to be easily identified.
 - Ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken.
 - Assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts on the Council's behalf as requested by the Chief Finance Officer.
 - Establishing and initiating appropriate recovery procedures, including legal action, where necessary, for debts that are not paid promptly.
 - Recommending to the Chief Finance Officer all debts to be written off and to keep records of all sums to be written off.
 - Obtaining the appropriate approval when writing off debts, as specified in the Debt Management Policy.
 - Providing sufficient information regarding outstanding debts to the Chief Finance Officer to determine bad debt provisions at the year end.
 - Ensuring that all appropriate staff are fully aware of the debt management strategy and kept up to date with developments.
 - Ensuring that appropriate controls are in place to ensure that debt management recovery procedures are adhered to.

- Ensuring that adequate IT systems are in place that support debt management procedures.

4.13 Voluntary Funds and Trust Funds

- 4.13.1 Chief Officers, in consultation with the Chief Finance Officer, must approve any employee's involvement in a voluntary or trust fund.
- 4.13.2 Chief Officers and/or Trust Fund Managers are responsible for ensuring that funds are managed and administered in accordance with any statutory and specific requirement for each fund, and to equivalent standards as those applicable to the Council generally.

4.14 Purchase Cards

- 4.14.1 All applications for purchase cards must be approved by the Chief Finance Officer.
- 4.14.2 The Chief Finance Officer will issue guidelines regarding the application process and for their controlled use.
- 4.14.3 Card holders are personally responsible for the security of cards and for ensuring compliance with guidelines for their use.

4.15 Employees

- 4.15.1 The full Council is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.
- 4.15.2 The Chief Executive is responsible for providing overall effective management to employees and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 4.15.3 The Chief Finance Officer is responsible for paying employees securely, accurately and on time and for the payment of travel and subsistence claims.
- 4.15.4 Chief Officers are responsible for ensuring the operation of adequate and effective procedures for payroll and personnel matters to allow the Chief Finance Officer to fulfil his responsibilities.

- 4.15.5 Chief Officers are responsible for ensuring compliance with Council policies in relation to claims for travel and subsistence, and for arranging the most cost effective means of travel and subsistence.
- 4.15.6 Chief Officers are also responsible for controlling employee numbers by:
- Advising the Cabinet on the annual budget necessary to cover estimated staffing levels.
 - Adjusting the staffing levels to that which can be funded within approved budget provision and varying the provision as necessary within that constraint in order to meet changing operational needs.
 - The proper use of recruitment and appointment procedures.
 - Monitoring employee costs through monthly budget reports.
 - Monitoring vacancies.

5 FINANCIAL SYSTEMS AND PROCEDURES

5.1 General

- 5.1.1 Sound systems and procedures are essential for an effective framework of accountability and control.
- 5.1.2 The Chief Finance Officer is responsible for:
- The operation of the Council's accounting and financial systems.
 - The form of accounts and any supporting financial records.
 - Advising Chief Officers on the establishment and operation of trading accounts and business units.
- 5.1.3 Any changes proposed by Chief Officers to the existing financial systems or the establishment of new systems must first be approved by the Chief Finance Officer.
- 5.1.4 It is the responsibility of Chief Officers to:
- Ensure the proper operation of financial processes in their own Services and agree with the Chief Finance Officer any changes to these processes to meet their own specific Service needs.
 - Ensure that their employees receive relevant and appropriate financial training that has been approved by the Chief Finance Officer.
 - Ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection Legislation.

- Ensure that their employees are aware of their responsibilities under Freedom of Information and Data Protection Legislation.

5.2 Contracts, Agreements and Purchasing

5.2.1 All contracts, agreements and purchases are subject to the requirements of the Council's Contracts Procedure Rules specified in this Constitution, and the procedures and financial limits which they prescribe (as revised from time to time), including any advice contained in the Procurement Advice Centre.

5.2.2 The Corporate Procurement Manager is responsible for developing the Corporate Strategy for Commissioning and Procurement and providing advice on procurement issues.

5.2.3 The Head of Legal and Democratic Services is responsible for agreeing the content and format of contracts and agreements and for signing any contract or legal agreement involving a charge upon assets or property.

5.2.4 The Chief Finance Officer is responsible for issuing guidance notes to Chief Officers on the procedures to be adopted in relation to:

- Placing requisitions for goods, supplies and services.
- Placing of official orders.
- Potential financing options e.g. buy, rent or lease.
- Receipt of goods.
- The authorisation of invoices, interim certificates and final accounts for building or construction contracts.
- The system and timescales for the payment of creditors.
- Records and procedures required in relation to monitoring and control of contracts.

5.2.5 The Chief Finance Officer has overall responsibility for ensuring safe and efficient arrangements for all payments.

5.2.6 Chief Officers are responsible for ensuring that:

- Before entering into purchasing commitments, the estimated cost is covered by financial provision in the budget to which it relates.
- Contract Procedure Rules, procurement and payments procedures are applied within their service areas, including adherence to any procurement guidance in the Procurement Advice Centre.
- Appropriate records are maintained to substantiate decisions made under delegated powers.
- All employees within their Service area are aware of the guidance issued by the Chief Finance Officer and for ensuring

that effective internal controls are established to ensure compliance.

- All employees within their service area are aware of the Council's Employee Code of Conduct and how this relates to this area.

5.3 Payment of Members Allowances

5.3.1 The Chief Finance Officer is responsible for operating secure and reliable systems to process Members Allowances.

5.3.2 It is the responsibility of Members to submit properly certified claims in accordance with the format and timescales specified by the Chief Finance Officer.

5.4 Taxation

5.4.1 The Chief Finance Officer is responsible for ensuring that appropriate advice and guidance is available to Chief Officers on all taxation issues that affect the Council, having regard to guidance issued by appropriate bodies and relevant/applicable legislation.

5.4.2 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all payments, receiving tax credits and submitting tax returns by their due date, as appropriate, and complying with HM Revenue and Customs regulations.

5.4.3 Chief Officers are responsible for compliance with any guidance issued by the Chief Finance Officer.

5.5 Council Tax Collection Fund

5.5.1 The Chief Finance Officer is responsible for the establishment and maintenance of the Collection Fund and will make suitable arrangements for it to be administered in accordance with the Local Government Finance Acts 1987 and 1988 and any other Enactments relating to the proper administration of public funds.

5.5.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund, including the maintenance of a Collection Fund Account for administering the raising and recovery of Council Tax and for paying precepts and demands on those funds.

5.6 Business Rates Retention Scheme

5.6.1 The Chief Finance Officer is responsible for the establishment and maintenance of a separate Collection Fund in respect of Business Rates and will make suitable arrangements for it to be administered in

accordance with Schedule 7B of the Local Government Finance Act 1988.

5.6.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund including the maintenance of a Collection Fund Account for administering the raising and recovery of Business Rates and for paying precepts and demands on those funds.

5.7 Housing Revenue Account

5.7.1 The Chief Finance Officer is responsible for:

- Making arrangements for the preparation of annual Housing Revenue Account Budgets, (revenue and capital) as part of the Council's budget setting process.
- Making recommendations to the Cabinet and full Council to allow the Council to fulfil its statutory duties in relation to Housing Rent determinations and securing decent homes compliance.
- Preparing annual final accounts for the Housing Revenue Account to be incorporated into the Councils' Annual Statement of Accounts.

6 PARTNERSHIPS

6.1 The Cabinet is the focus for forming partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.

6.2 The Council or the Cabinet can delegate its functions, including those relating to partnerships, to officers. Details are set out in the Scheme of Delegation that forms part of this Constitution. Where its functions are delegated, the Cabinet remains accountable for them to the full Council.

6.3 The Chief Executive or the appropriate chief officer or senior officer nominated by the chief officer may represent the Council on partnership and external bodies, in accordance with the respective decisions of the Council and the Cabinet.

6.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.

6.5 The Chief Finance Officer is responsible for ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

Appendix A

FINANCIAL MANAGEMENT STANDARDS

- FMS01 Introduction to Financial Management Standards
- FMS02 Budget Preparation and Medium Term Financial Planning
- FMS03 Budget Monitoring and Reporting
- FMS04 Accounting Policies
- FMS05 Accounting Records and Returns
- FMS06 Preparation and Monitoring of the Capital Programme
- FMS07 Annual Statement of Accounts
- FMS09 Maintenance of Reserves and Provisions
- FMS10 Risk Management
- FMS11 Audit Requirements
- FMS12 Internal Control
- FMS14 Insurance
- FMS15 Treasury Management
- FMS16 Banking

- FMS17 Income Collection
- FMS18 Debt Recovery
- FMS20 Corporate Procurement Cards
- FMS21 Payroll and HR Requirements
- FMS22 Taxation
- FMS24 Ordering and Paying for Work, Goods and Services

FMS25 Partnerships

FMS26 Grants and External Funding

FMS29 Voluntary Funds and Trust Funds

Contract Procedure Rules

1. INTRODUCTION

1.1 What are Contract Procedure Rules?

- 1.1.1 The Contract Procedure Rules (CPRs) provide the framework for procurement activity across the Council, setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity. They apply to all Service Groupings across the Council.
- 1.1.2 To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:
- The term “Chief Officers” refers to the Council’s Chief Executive and Corporate Directors
 - The term “Procurement Officer” refers to any officer of the Council responsible for carrying out a procurement exercise – not just to officers with “Procurement Officer” as their job title. Any Council officer undertaking a procurement exercise is a “Procurement Officer” for the purposes of these rules.
 - In addition to the above definitions, the general term “officer” refers to any employee of the Council.
- 1.1.3 The Contract Procedure Rules should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.
- 1.1.4 The content of these CPRs is supported by additional guidance and documentation contained in the Advice Centre in the “Procurement Catalogue” section of the Council intranet (henceforth referred to as the “Advice Centre”).

2. BASIC PRINCIPLES

2.1 All procurement procedures must:

- Realise value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome,
- Be consistent with the highest standards of integrity,
- Operate in a transparent manner,
- Ensure fairness in allocation of public contracts,
- Support all relevant Council priorities and policies including the Medium Term Financial Plan,
- Comply with the Council’s Procurement Strategy, the Social Value Policy and Sustainable Buying Standards, and:

- Comply with all legislative requirements including European Union (EU) Treaty principles, which in relation to procurement are as follows:
 - transparency - contract procedures must be transparent and contract opportunities should generally be publicised;
 - equal treatment and non-discrimination - potential suppliers must be treated equally;
 - proportionality - procurement procedures and decisions must be proportionate;
 - mutual recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.
- Be funded through the allocation of an appropriately established budget.

2.2 These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

3. OFFICER RESPONSIBILITIES

3.1 Officers

3.1.1 Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

3.1.2 Officers will:

- Have regard to the guidance in the Advice Centre,
- Keep the records required by Rule 19 of these CPRs,
- Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- Prior to letting a contract on behalf the Council, check whether:
 - the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
 - an appropriate national, regional or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this **must** be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- Ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking

(Protection of Employment) (TUPE) and Pensions issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

- 3.1.3 Failure to comply with any of the provisions of these CPRs, the Council's Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer, Chief Internal Auditor and Corporate Fraud Manager, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.
- 3.1.4 In cases of non-compliance with these CPRs, the Chief Procurement Officer may, following consultation with the officer's Head of Service, temporarily or permanently suspend any officer's access to the Oracle system, e-tendering system, and use of purchasing cards or other payment mechanisms.
- 3.1.5 In addition, in cases of serious non-compliance, the Chief Procurement Officer may temporarily suspend any officer's delegated authority to place contracts, and refer the matter to the Council's Chief Internal Auditor and Corporate Fraud Manager for further investigation.

3.2 Chief Officers

3.2.1 Chief Officers will:

- Ensure their Service Grouping complies fully with the requirements of these CPRs,
- Ensure contracts are recorded in the corporate Contracts Register as held and maintained by Corporate Procurement, through the use of the Procurement Acceptance Report as detailed in Rule 19,
- Ensure that their Service Grouping provides the requisite information to allow the Council to maintain the Procurement Work Programme, including the submission of a Procurement Initial Request Form at as early a stage as possible.

Copies of the Procurement Acceptance Report and Procurement Initial Request Form are available from the Advice Centre.

4. VARIATIONS TO CONTRACT PROCEDURE RULES

- 4.1 Except where the Public Contracts Regulations (2015) apply, the Executive has the power to waive any requirements within these CPRs for specific projects.
- 4.2 Additionally, and where proceeding under a Variation does not breach the Public Contracts Regulations (2015), these Rules may be waived or varied where the circumstances are certified by the Corporate Director, Resources (advised as appropriate by the Chief Procurement Officer) as meeting any of the following criteria:
 - (a) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
 - (b) involving cases of genuine, unforeseen urgency, where it is not possible to comply with the CPRs;
 - (c) for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise

for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;

- (d) in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or
- (e) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.

- 4.3 The appropriate Officer must complete an Application for Variation, as contained within the Advice Centre, which must be authorised by their Head of Service before being submitted to Corporate Procurement. Corporate Procurement will review the Application for Variation before obtaining a decision from the Corporate Director, Resources (or other officer as delegated).
- 4.4 Committing to expenditure with a supplier, without a valid contract or a Variation in place, is a breach of these CPRs. Therefore, where a Variation is being sought retrospectively, for expenditure to which a Service Area has already, the retrospective application must be authorised by their Corporate Director, to make them aware of the breach, before it is submitted to Corporate Procurement.
- 4.5 Every Variation form will be recorded on a master register to be maintained by Corporate Procurement.
- 4.6 Where a Variation is being applied for by Corporate Procurement, it must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.
- 4.7 The use of e-procurement does not negate the requirement to comply with all elements of these CPRs. The circumstances under which an exemption to the use of e-procurement can be requested are detailed in Rule 12.

5. EXEMPTIONS

- 5.1 The following contracts and/or payments are exempt from these CPRs:
 - (a) Contracts for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
 - i. British Telecom – specifically for telecoms infrastructure works;
 - ii. Network Rail – specifically for works affecting the railway infrastructure;
 - iii. Northern Gas Networks – specifically for gas supply infrastructure works;
 - iv. Northern Powergrid – specifically for electricity infrastructure works;
 - v. Northumbria Water – specifically for water and sewerage infrastructure works;
 - vi. Highways England – specifically for works to the core road network under their management;

In addition, certain other organisations may be regarded as statutory undertakers in very specific circumstances, where works are required, involving disruption to, or re-siting of, existing infrastructure which they own and/or operate, particularly:

- vii. Any other telecoms provider for works to specifically-licensed mobile telecoms infrastructure which they own;
- viii. Any Independent Distribution Network Operator (IDNO) for works to electricity infrastructure they own.

Where fees are payable directly to a sub-contractor appointed by a statutory undertaker, and where the Council does not have the option of appointing a contractor itself, and where the statutory undertaker's procurement process for selecting the named sub-contractor complies with any obligations under the Utilities Contracts Regulations 2016, then the named sub-contractor shall be treated as a statutory undertaker for the purpose of this Rule.

- (b) Fees payable to Ofsted for the inspection of a school, children's home, or other facility;
- (c) Fees payable to the Care Quality Commission under section 85(1) of the Health and Social Care Act 2008;
- (d) Fees payable to the Driver & Vehicle Licensing Agency and/or Drive & Vehicle Standards Agency (formerly VOSA) ~~with regard to Council owned or operated vehicles~~ ;
- (e) Fees payable to the Disclosure & Barring Service;
- (f) Fees for TV licenses in Council owned or operated premises;
- (g) Fees payable to Public Health England with respect to the Child Death Notification Service;
- (h) Contracts for the carrying out of statutory public health funerals under the Part 3 of the Public Health (Control of Disease) Act 1984;
- (i) Contracts for the purchase of broadcasting time, including for the placing of radio and television advertising;
- (j) Contracts to provide sponsorship to events, awards schemes, or other promotional activity being organised by a third party;
- (k) Contracts of employment which make an individual a direct employee of the authority;
- (l) A staff secondment, where an employee of another organisation shall work on a Council project, on a temporary basis, but where they will not become an employee of the Council;

NB: While the CPRs do not apply to staff secondments, authorisation to proceed must be obtained from Human Resources, and the terms of the secondment appropriately documented.

- (m) Contracts for legal representation by a lawyer (advocate, barrister, or solicitor) in arbitration or conciliation proceedings, judicial proceedings before the courts, tribunals or public authorities of a EU member state or third country or before international courts, tribunals or institutions;
- (n) Payments for legal advice given by a lawyer in preparation for, or connected to, any of the proceedings mentioned in (m) above;

- (o) Payments for documents, document certification and authentication services, which may only be provided by notaries, or from the issuing authority, such as the General Registry Office, HM Passport Office;
- (p) Payments for legal services provided by trustees or appointed guardians or other legal services, the providers of which are designated by a court or tribunal;
- (q) Fees payable to Phonographic Performance Ltd or PRS for Music, for the playing of recorded music in public, or for the use of the musical composition and lyrics in that recording;
- (r) Fees payable to Durham Constabulary to cover the cost of additional policing presence at public events or for temporary public safety purposes;
- (s) Appointment of independent planning inspectors nominated by the Royal Institute of Chartered Surveyors (RICS) under the NPIERS scheme;
- (t) Examination fees payable to a qualification awarding body for the certification of exam results only, for a professional or vocational qualification being undertaken by a Council Officer with the support of the Council;

NB: This exemption covers examination fees only, not the cost of any training or study materials, which remain subject to these CPRs;

- (u) Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:
- (v) The payment of grants to third parties.

NB: While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process. Officers should follow any guidance contained in the Advice Centre.

- (w) Where the Council is providing a payment processing facility to a non-profit body undertaking community projects, and where this does not make the Council the accountable body for the contracts or transactions in question. (For example, where the Council provides a payment processing facility to Groundwork North East).
- (x) **Contracts** which have been procured on the Council's behalf by a Central Purchasing Body, where the process followed is in line with the Public Contracts Regulations (2015) (e.g. the North East Procurement Organisation, another Pro5 Organisation, or Crown Commercial Service).
- (y) To cover urgent **needs with regard to** special education, social care or **health**, or urgent operational needs, if in the opinion of the relevant Corporate Director it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.
- (z) Those relating to residential and/or nursing care, or **independent living services**, to a person or persons to whom the Council has a duty or power

to provide under the Care Act 2014 and other relevant legislation relating to social care **or health**. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.

6. RELEVANT CONTRACTS

6.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the supply of goods, or the carrying out of works or services.

These include arrangements for:

- The supply or disposal of goods,
- The hire, rental or lease of goods and equipment,
- The delivery of services, including (but not limited to) those related to:
 - the recruitment of staff
 - land and property transactions
 - financial and consultancy services

6.2 A contract awarded under a Variation to these CPRs (as per Rule 4) remains a Relevant Contract in all aspects other than those elements of the CPRs which were specifically waived.

7. RISK ASSESSMENT

7.1 All procurements with a likely total value of £50,000 or greater, as well as lower value procurements where appropriate, must be supported by a risk assessment. This risk assessment must be carried out by the Service Area requesting the procurement, at the start of the procurement process.

7.2 The risk assessment process will identify where further specialist advice should be sought.

7.3 In order to ensure the Council meets its duties under the Public Services (Social Value) Act 2012, the risk assessment must include an appraisal of the opportunities to address social value outcomes through the proposed procurement, **or a separate social value opportunity assessment should be carried out.**

7.4 Full details of the process to be followed, including the approved risk log, matrix, and social value options appraisal, are available in the Advice Centre.

8. PRE-TENDER MARKET TESTING AND CONSULTATION

8.1 The Council should seek to consult the potential supplier market, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation.

8.2 Sufficient lead-in time must be built into any major procurement project to allow for adequate pre-tender market testing.

8.3 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who

may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition.

- 8.4 In undertaking any market testing activities, the Officer responsible should refer to any guidance contained in the Advice Centre.

9. COMPETITION REQUIREMENTS

9.1 Competition Requirements

- 9.1.1 The Procurement Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.
- 9.1.2 Based on this value, quotations or tenders must then be invited, and appropriately advertised, in line with the financial thresholds detailed in the Advice Centre.
- 9.1.3 Where Part 2 of the Public Contracts Regulations (2015) applies (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer must determine, prior to advertising, whether the contract is to be divided into lots. If it is decided not to subdivide the contract into lots, the reason for this decision must be recorded in the Procurement Acceptance Report required by Rule 19.
- 9.1.4 Where Part 2 of the Public Contracts Regulations (2015) applies (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer shall consult Corporate Procurement to determine the procedure for conducting the procurement exercise.

9.2 Negotiation with a Single Supplier (below OJEU)

- 9.2.1 In exceptional circumstances, a contract which will not exceed the relevant OJEU threshold may be awarded without a competitive procurement, via direct negotiation with a single supplier, following a similar process to the EU Negotiated Procedure without prior publication.
- 9.2.2 Such an award may **only** be made directly by, or with written approval from, Corporate Procurement, and **only** in the following circumstances:

- (a) for the purchase of goods which are patented or have such special technical characteristics that they may be considered unique, and where these goods are only available from one supplier.

(Note that the presence of a patent alone does not permit the use of this procedure – many patented products are available from more than one supplier);

Or:

- (b) for the execution of works or services involving unique, highly specialist knowledge or skills and where it can be demonstrated that only one organisation possesses the required knowledge or skills:

Or:

- (c) for the execution of works or services, where there is considerable benefit to the Council in negotiating with a particular proposed

supplier, and where this does not expose the Council to unacceptable risk.

Or:

(d) where an open or restricted Tender, or an openly-advertised Request For Quotation, has been undertaken, and in which no compliant bids were received.

9.2.3 The use of this process may be invalidated by prior negotiation or discussion (of any kind), between a Service Area and a proposed supplier, without the involvement of Corporate Procurement, where such negotiation may distort or restrict the potential market or otherwise prejudice the Council's position. Corporate Procurement reserves the right to refuse the award of a contract via this process where such unauthorised negotiation has taken place.

9.2.4 Contracts awarded under the provisions of this Rule may have a duration of no more than three years, **unless agreed in writing with the Chief Procurement Officer.**

NB Note that when using Rule 9.2 above, no contract may be entered into until the relevant notification has been issued by Corporate Procurement, as set out in Rule 19.3.

10. INVITATION TO TENDER / REQUEST FOR QUOTATION

10.1 Invitations to Tender, Requests for Quotation, Further Competitions and Quick Quotes must be issued in accordance with the requirements of these CPRs, with particular attention to Rule 7, Rule 9 and Rule 17. The Procurement Officer must ensure they are familiar with, and adhere to, the minimum current threshold values, as published on the Advice Centre.

10.2 Above the single quotation threshold, all Invitations to Tender, Requests for Quotation and Quick Quotes must be issued via the Council's e-tendering system. Procurement documents must be issued via the e-tendering system.

10.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically or for example, where there is a failure of the electronic system, **and where the value is below the relevant OJEU financial threshold**, permission to conduct a procurement process by alternative means must be obtained from the Chief Procurement Officer using the relevant exemption form. This can be found in the Advice Centre. This exemption must be sought before requesting quotations or tenders.

10.4 When advertising a contract, the Procurement Officer will also ensure that a notice is placed on the Contracts Finder website, as required by Regulations 106 and 110 of the Public Contracts Regulations (2015).

11. SHORTLISTING

11.1 Any shortlisting (i.e. Selection Questionnaire (SQ)) must have regard to the economic, financial and technical standards relevant to the contract and the Evaluation Criteria. Special rules apply to contracts covered by the Public Contracts Regulations (2015), and must be issued using the Council's version of the Government Standard Selection Questionnaire template. Officers should refer to any further guidance contained in the Advice Centre.

- 11.2 Where the likely value of the procurement is less than the OJEU threshold for *goods and services* (even where the contract is not for goods or services), no shortlisting phase or SQ may be used.
- 11.3 Where applying financial turnover threshold as a shortlisting criteria, the threshold used must be no more than two times the estimated total value of the proposed contract.
- 11.4 When shortlisting as part of a Restricted tender process, a minimum of five bidding organisations should be shortlisted to tender, except in cases where fewer than five compliant SQ responses are received. In a Competitive Dialogue or Competitive Procedure with Negotiation, the minimum shall be three, except in cases where fewer than three compliant SQ responses are received.

12. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

12.1 Tenders

- 12.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where Part 2 of the Public Contract Regulations (2015) applies, Chapter 2 of the Regulations lays down specific minimum time periods for tenders.
- 12.1.2 As in Rule 10 (above) tenders, except those which have been approved as exempt from electronic tendering, must be submitted electronically via the e-tendering system. Tenders submitted by any other means must not be accepted.

12.2 Quotations

- 12.2.1 As in Rule 10 (above), responses to Requests for Quotation and Quick Quotes must be submitted electronically via the e-tendering system, except where specifically exempt under Rule 10.3. Quotations submitted by any other means must not be accepted.

12.3 Electronic Arrangements

- 12.3.1 Quotations, Further Competition bids and Selection Questionnaires which are received electronically via the e-tendering system will be opened by the Procurement Officer. The system will not allow any submissions to be opened until the allocated return date / time has passed.

12.4 Hard Copy Arrangements

- 12.4.1 In the event that 'hard copy' tenders are to be accepted (see Rule 10 and Rule 12.1.2 of these CPRs for guidance) these must be submitted, sealed, in the envelope provided with the procurement documents and sent by recorded delivery, addressed to the Head of Legal & Democratic Services at the Council's registered business address, without any mark revealing the bidding organisation's identity. Hard copy tenders submitted by any other means will not be accepted.
- 12.4.2 All hard copy tenders will be held by the Head of Legal & Democratic Services until the tender opening date/time has been reached.
- 12.4.3 All hard copy tenders for the same contract will be opened at the same time by a representative of the Chief Officer who invited the tenders and a representative from Legal & Democratic Services. A register of tenders received will be kept by Legal &

Democratic Services and will be initialled on each occasion by the officers who are present at the opening of the tenders.

12.4.4 In the event that hard copy quotations are to be accepted (see Rule 10 and Rule 12.2.1 of these CPRs for guidance) these must be submitted in a plain envelope marked 'Quotation for....' followed by a description of the goods, works or services being procured.

12.4.5 Hard copy quotations will be received directly by Legal and Democratic Services. All quotations must be opened together once the official return date / time has been passed.

12.5 Late Submissions

12.5.1 Tenders, Quotations or Selection Questionnaires which are received after the stated deadline shall be automatically rejected, except in the following circumstances:

- Where the delay in submission is the result of a failure of the electronic system, and where this can be verified to be the case, or:
- Where only one submission is received, and where this submission has arrived late, but is compliant in every other respect, and with the approval of Corporate Procurement.

13. EVALUATION CRITERIA AND STANDARDS

13.1 Evaluation Criteria

13.1.1 In any procurement exercise the successful bid should be the one which either:

- Offers the lowest price, or:
- Offers the most economically advantageous balance between quality and price.

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

13.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of subcontractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.

13.1.3 These criteria should be assessed through either:

- Essential Criteria – assessed on a pass / fail basis, or:
- Technical Questions – assessed on a scored basis.

13.1.4 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria,

how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

13.2 Evaluation Panel

13.2.1 The Procurement Officer should establish an evaluation panel for the assessment of any Technical Questions at shortlisting and/or Invitation to Tender stages. Each element of the evaluation may have its own panel, provided that all of the responses to each Technical Question are evaluated by the same panel members.

13.2.2 The panel should have at least two members. The Procurement Officer should act as moderator, and may also take part in the evaluation.

Officers should refer to any further guidance in the Advice Centre.

13.3 Evaluation

13.3.1 The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations. Evaluation should be conducted in line with Rules 13.1 and 13.2 above, and with regard any guidance detailed in the Advice Centre.

13.4 Standards

13.4.1 Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

Officers should refer to any further guidance in the Advice Centre.

14. CLARIFICATION PROCEDURES

14.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

14.2 Clarification questions must be raised via the e-tendering system. Bidders must also be asked to respond via the e-tendering system. In cases where an e-tender exemption has been granted under Rule 10.3, the Council should ensure any clarifications are requested in writing, or by e-mail, and bidding organisations asked to respond by the same means.

14.3 When requesting clarification, the Procurement Officer must follow any additional guidance contained in the Advice Centre.

15. AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

15.1 Award of Contract

15.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible. These written notifications should be transmitted via the e-tendering system unless a specific exemption has been granted under Rule 10.3.

15.1.2 Where procurement has been subject to the Public Contract Regulations (2015), the Alcatel Standstill (a 10 day standstill period before a contract can be awarded to allow an unsuccessful bidding organisation an opportunity to challenge the proposed

contract award) shall be included in the procurement timetable, and observed before the contract can be awarded. Full information regarding the Alcatel Standstill is contained within the Advice Centre.

- 15.1.3 Decisions on award of contract must be made in accordance with the scheme of delegations in Part 3 of the Constitution.

15.2 Debriefing

15.2.1 The written notifications sent to bidders, in accordance with Rule 15.1.1 above, shall include feedback explaining the outcome of the evaluation process, with specific reference to the evaluation criteria, so that bidders can understand why they were, or were not, successful.

15.2.2 The Procurement Officer should follow any additional guidance in the Advice Centre.

15.3 Notification of Awarded Contracts on Contracts Finder

15.3.1 For all contract awards with a value of £25,000 or greater, the Procurement Officer shall issue a notice on the Contracts Finder website, giving details of the contract award, as required by Regulations 108 and 112 of the Public Contracts Regulations (2015). This includes any contracts awarded without prior advertisement, as well as contracts awarded via a Further Competition.

16. CONTRACT DOCUMENTS

16.1 Format of Contract Documents

16.1.1 The Council's harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by Legal Services before being issued. These are available from Corporate Procurement or Service Area procurement staff detailed in the Advice Centre.

16.2 Contract Signature

16.2.1 Contract **signature must be undertaken as expressly stated in the contract terms and conditions, this would be:**

- (a) Where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement, either:
 - (i) be signed by at least two officers of the Council authorised as required by the Constitution, or:
 - (ii) be formalised by the sending of an award letter **and** the subsequent issuing of a purchase order.

The Procurement Officer should also follow any guidance on the use of deeds and agreements, **and / or electronic signature as** found in the Advice Centre.

16.3 Legal Services Review of Tenders and Contracts

16.3.1 To ensure the integrity of the procurement process:

- All proposed Invitations to Tender, Requests for Quotation or Quick Quote where they are not in compliance with the County Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by Legal Services.
- Any proposed Invitations to Tender which are the relevant OJEU advertising threshold, and which are deemed by Corporate Procurement to be of medium or high risk, must be reviewed by Legal Services.
- Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by Legal Services.

17. APPROVED LISTS AND FRAMEWORK AGREEMENTS

17.1 Approved Lists

17.1.1 Approved lists must not be used where they are prohibited under the Public Contracts Regulations (2015).

17.1.2 Approved lists should only be used in accordance with the guidance contained in the Advice Centre.

17.2 Framework Agreements

17.2.1 Framework Agreements are agreements between the Council and one or more suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

17.2.2 The term of a Framework Agreement must not exceed four years, except where:

- (a) a longer duration is permitted under the terms of the light-touch rules for social and other specific services set out in Part 2, Chapter 3 of the Public Contracts Regulations (2015), or
- (b) where exceptional circumstances justify a longer duration, as provided for in Regulation 33(3) of the Public Contracts Regulations (2015).

17.2.3 Where Frameworks are established with several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:

- Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or:
- Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids electronically via the Further Competition step on the e-tendering system, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,
 - awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

18. SUB-CONTRACTORS

18.1 This Rule applies to all contracts:

- (a) for works, where the value is above the OJEU works threshold, or:
- (b) for services, where the value is above the OJEU services threshold, and where the services are to be provided at sites or premises managed by the Council.

18.2 Where this Rule applies, following the decision to award the contract, but before the contract commences, the Procurement Officer must obtain the following details, from the winning supplier(s):

- The names and business addresses of any sub-contractor(s) the supplier intends to utilise in the delivery of any part of the works or services.
- The name and address of the legal representatives of each such sub-contractor.
- Information to verify each sub-contractor's compliance with the mandatory and discretionary grounds for exclusion listed in Regulation 57 of the Public Contracts Regulations 2015.

18.3 Where it is identified, as a result of the above procedure, that a sub-contractor is in breach of any of the mandatory grounds for exclusion, the supplier must be required to dismiss that sub-contractor from any involvement in the contract. The supplier should appoint a replacement sub-contractor, for which the information in 18.2 above must then be obtained and verified.

18.4 Where it is identified that a sub-contractor is in breach of a discretionary ground for exclusion, the Council may, at its discretion, require the sub-contractor to be dismissed and a suitable replacement appointed.

19. RECORDS

19.1 The Public Contracts Regulations (2015) require contracting authorities to maintain the following comprehensive records of procurement activities:

- Any proposed contract details including value
- Selection decision
- Justification for use of the selected procedure
- Names of bidding organisations, both successful and unsuccessful
- Reasons for selection
- Reasons for abandoning a procedure.

19.2 Prior to the contract being formally awarded, and prior to any bidding organisation(s) being notified, the result of any competitive procurement process must be recorded in a Procurement Acceptance Report **with Delegated Decision** and submitted to Corporate Procurement. Corporate Procurement will maintain a register of all Procurement Acceptance Reports. Information from Procurement Acceptance Reports will also be used for the tracking of procurement savings, sustainability benefits, and other data.

19.3 Following receipt of the correctly completed Procurement Acceptance Report, Corporate Procurement will issue a notification to the Procurement Officer, and other

relevant officers. Only once this notification has been issued should the contract be formally awarded.

19.4 Following the signature of the contract documents, the Procurement Officer shall ensure a copy of the signed contract particulars is retained on the e-tendering system for future reference and audit purposes.

19.5 Where a current contract requires modification and this includes an increase in contract spend, then this must be reported to Corporate Procurement in line with Guidance Note 16, Varying and Modifying Contracts (Advice Centre). Any contract value increase must be accompanied with appropriate Delegated Officer Approval.

Additional records management advice is contained in the Advice Centre.

20. PREVENTION OF CORRUPTION & DECLARATION OF INTERESTS

20.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

20.2 Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

21. CONTRACT MANAGEMENT / MONITORING

21.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Head of Service must ensure a Contract Manager is designated prior to award.

21.2 The Contract Manager must ensure they track the extension periods and expiry dates of contracts under their responsibility, to ensure that appropriate arrangements are in place to maintain contract coverage where ongoing requirements exist.

21.3 Where an original Procurement Acceptance Report does not include all extension options and contract values (for example where there is no current schedule end date), then the Contract Manager must submit the appropriate procurement extension report to identify contract extension period and the additional budget. This must be authorised via the Service's Principal Accountant, and recorded with an appropriate Delegated Decision Record.

21.4 Contract management, monitoring, evaluation and review must be conducted in line with guidance detailed in the Advice Centre.

22. INTERNAL PROVIDERS

22.1 Where an in-house provider is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider and external bidding organisations.

22.2 Where a Service Area intends to procure goods, services or works which could potentially be delivered by an in-house provider, the commissioning service shall consult with that in-house provider before proceeding to issue any Invitation to Tender, Request for Quotation, or Quick Quote.

22.3 If the in-house provider has the capability and capacity to meet the requirement, and can deliver this within the appropriately established budget allocated by the commissioning service, then the in-house service shall be used and no procurement exercise should take place. A procurement exercise via the e-tendering system should only be undertaken if it can be established that the in-house service cannot meet the

requirement (or if it has been previously agreed by the appropriate Head of Service that external contractors may be engaged as part of an out-sourcing study or project).

- 22.4 The Procurement Officer should follow any additional guidance in the Advice Centre.

23. EXTERNAL BODY GRANT FUNDING

- 23.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement Officer must ensure that any rules or grant conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.
- 23.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed. Where there is any doubt over which requirement should be followed, the guidance should be sought from Legal & Democratic Services before proceeding.
- 23.3 Where a procurement process is funded, in whole or part, by grant funding, a Grant Authorisation Form must be completed as detailed in the Advice Centre.

24. REVIEW AND AMENDMENT OF CPRS

These Contract Procedure Rules shall be reviewed and updated on an annual basis as part of the annual review of the Constitution.

Appendix 8: Code of Practice for Members and Officers dealing with Planning Matters

Code of Practice for Members and Officers Dealing with Planning Matters

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice ~~may~~ **should** be sought on the interpretation of the Code of Conduct or this Code, **where required**.

1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between members and officers and between the public and the council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - (a) Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - (b) Members should not place themselves in situations where their honesty or integrity may be questioned.
 - (c) Members should make decisions on merit.
 - (d) Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - (e) Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance

with those conclusions.

- (f) Members should respect the impartiality and integrity of officers.
- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgment and for justifiable reasons.
- 1.5 This Code of Practice sets out practices and procedures that members and officers of the County Council shall follow when involved in planning matters. Planning matters include the consideration of planning **and associated** applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.6 This code is largely based upon the Local Government Association's Guidance entitled Probitry in Planning for councillors and officers published in April 2013, which takes account of the ethical framework for local government. It takes account of the Royal Town Planning Institute's Code of Professional Conduct and advice issued by the Audit Commission, the Commissioners for Local Administration in England and the National Planning Forum. It complements the Council's Code of Conduct for Members. This code is consistent with meeting the requirements of Article 6 of the European Convention on Human Rights which confers a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations. In respect to the advice contained at paragraph 7 regarding Member engagement in pre-application advice, account has been taken of advice issued by the Planning Advisory Service, the Standards Board for England and the LGA advice leaflet 'Positive Engagement' issued in 2009.
- 1.7 Failure to follow this code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 2.1 Members and officers have different, but complementary roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 2.2 Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.3 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan

policies, Government advice and their own individual judgment and make a decision in the interests of the County as a whole.

- 2.4 Whilst members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5 Members should treat with extreme caution any offer of a gift or hospitality which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its members, or other officers, have prevailed upon the officer to put forward his or her professional view as something other than it really is.
- 2.8 The County Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 2.9 The County Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. A superior officer shall not have the power to overrule the professional advice of the head of the planning service.
- 2.10 Officers shall follow the guidance on their standards of conduct as set out in the County Council's Staff Guidance, the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000 (as amended).

3. DECLARATION OF ~~OTHER REGISTERABLE~~ INTERESTS

- 3.1 The Council's Code of Conduct advises members on the disclosure of interests and must be followed by Members at all times.
- 3.2 ~~If an interest is such that it would prohibit participation in council business under the Code of Conduct for Members. Where a member has an interest in~~

an item of business, the member shall declare it at the earliest opportunity, must not participate in any discussion or vote taken on the matter at the meeting, must leave the room where the matter is being considered and must not try to influence those making the decision or take any part in the consideration or determination of the matter.

~~3.3 Any other interest, not prohibiting participation in council business under the Code of Conduct for Members must be declared at the commencement of the meeting and the member may participate in the discussion and vote on the matter under consideration.~~

3.4 New rules in relation to bias and predetermination were introduced by section 25 of the Localism Act 2011. The rules apply if there is an issue about the validity of a decision and it is relevant to that issue whether a member had or appeared to have a closed mind when making the decision. Under the rules a member is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because she or he had previously done anything that directly or indirectly indicated the view the member took, or would or might take, in relation to a matter relevant to the decision.

3.5 The principle that members must not participate in decisions where they are perceived to be biased remains. An example would be a member who was a governor of a school which was putting forward a planning application.

3.6 Members should not act as agents for persons pursuing planning matters within their authority. If they submit their own proposal to the authority on which they serve, they should play no part in its consideration. When submitting proposals on behalf of themselves, the Member shall inform the Monitoring Officer of the submission.

3.7 Officers must always act impartially. An officer, who believes he or she may be seen to have an interest in a planning matter shall declare it at the earliest opportunity to the Head of Planning and the Monitoring Officer and have no further involvement in the processing or consideration of that matter.

3.8 Planning officers shall never act as agents for persons pursuing a planning matter within the county or one outside significantly affecting the county.

4. 'DUAL-HATTED MEMBERS'

4.1 The Council's Code of Conduct does not automatically prevent members from considering the same issue at more than one tier of local government, including speaking and voting at both tiers.

4.2 For example, if a member is also a member of a parish council, and the parish council is consulted on a planning application to be determined by the Planning Committee, the member may participate in the discussion and vote at the parish council meeting; but it would be prudent to inform the parish council that the member will reconsider the matter taking into account all the information that is put before the Planning Committee. At the subsequent meeting of the Planning Committee the member should declare **that a personal (but not prejudicial) interest** as a member of the parish council, **they**

~~have which has~~ already expressed a view on the matter, but make it clear that this view does not bind the member who will consider the matter afresh. The member will be free to participate in the debate and vote on the matter.

- 4.3 However, if the Planning Committee considers a planning application by an authority or body on which a member serves, then the member should declare an other relevant interest, ~~take no part in the discussion and determination of the proposal~~ and ~~withdraw from~~ leave the meeting room while the discussion and voting takes place.

5. DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY

- 5.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.
- 5.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 5.3 Members of the planning committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare an other relevant interest, ~~and~~ take no part in the discussion and determination of that proposal ~~and leave the meeting room while the discussion and voting takes place~~.
- 5.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

6. LOBBYING OF AND BY MEMBERS

- 6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a planning committee. However, reacting to lobbying can lead to the impartiality of a member being called into question and require that member to declare an interest.
- 6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees and neighbours and the assessment of the case by the planning officer all need to be considered before a member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 6.3 The time for individual members of the planning committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.

- 6.4 A planning committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, planning committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members should make clear that they reserve their final decision on a proposal until the committee meeting.
- 6.5 Members of the planning committee shall not, in general, organise support or opposition for a proposal, or lobby other members (other than when addressing the planning committee). Members of the Council shall not put improper pressure on officers for a particular recommendation.
- 6.6 The local member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting but not vote. The member of an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the planning committee, be allowed to attend and speak but not vote. A local member who has a **personal or prejudicial interest disclosable pecuniary interest or other relevant interest** in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.
- 6.7 If a member of the Planning Committee identifies himself or herself with a group or individual campaigning for or against an application, he or she shall declare an other relevant interest and not vote or decide on the matter. However, that member shall be given the opportunity to address the Committee.
- 6.8 Members of a planning committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the committee meeting shall not be used to decide how members should vote at the planning committee.

7. PRE-AND POST-APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 7.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is actively encouraged in accordance with the Council's protocol on pre-application advice. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the officer only, and are provisional.
- 7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.

- 7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 7.5 Members need to preserve their role as impartial decision makers and should not ordinarily take part in pre-or post-submission discussions and negotiations with applicants regarding development proposals. The exception to this is for those major schemes which are considered to be of importance to the County or schemes that are likely to be highly contentious and are therefore subject to the Council's Pre-Application Member Engagement protocol which provides for structured arrangements with officers and a prospective developer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 7.6 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by members should be provided to the officers dealing with the application.

8. OFFICER REPORTS TO COMMITTEE

- 8.1 The Head of Planning will submit written reports to the Planning Committee on planning applications to be determined by the County Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application including those made by the applicant. The Head of Planning in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 8.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 8.3 The Head of Planning will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

9. THE DECISION MAKING PROCESS

- 9.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.

- 9.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 9.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 9.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 9.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning, agreement shall be reached at the meeting on the reasons for that decision. They shall be fully minuted by the Head of Legal and Democratic Services.
- 9.6 **Members who are not present at the meeting for the duration of the planning officer's presentation, any subsequent representations and the entire Member debate shall not (save at the discretion of the Chair) be entitled to vote on the matter under consideration.**

10. SITE VISITS BY THE COMMITTEE

- 10.1 A site visit is only likely to be necessary if:
- (a) the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers;
 - (b) the comments of the applicant and objectors cannot be expressed adequately in writing; or
 - (c) the proposal is particularly contentious.
- 10.2 Site visits will be organised in accordance with the following procedures:
- (a) The Head of Legal and Democratic Services will invite the local County Councillor to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chairman of the Planning Committee, the local County Councillor for the adjacent division will also be invited.
 - (b) The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
 - (c) Objectors will not normally be invited to attend a site visit or participate in any discussions on site.

- (d) On assembling at the site, at the time specified, the Chairman will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning, the Chairman will bring the site visit to a close.
- (e) When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application.
- (f) In all cases the safety of those engaged in the site visit is of paramount importance. In cases where Officers consider a proposal is likely to generate hostility as part of a site visit the Head of Planning or his / her representative will liaise with the Health and Safety Manager to undertake a risk assessment ahead of the planned visit. Appropriate control measures will be identified as part of the risk assessment and discussed with the Chairman in advance of the visit

11. REPRESENTATIONS ON PLANNING APPLICATIONS

- 11.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members of the Committee will be given the opportunity to inspect all letters received before the decision on the application is made.
- 11.2 There will be occasions when applicants, supporters, objectors, Ward Members and Parish/Town Council representatives or some of these, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will normally apply:
 - (a) The applicant and any supporters will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. The applicant/supporters, objectors, Ward Members and Parish/Town Council Representative will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do so and, if so, will be invited to the meeting at which the decision is to be made. However, except for Ward Members, any person wishing to exercise their right to make representations in person will be required to confirm by registering their intention to speak by noon on the last working day before the Committee Meeting in the absence of which they will only be permitted to speak at the discretion of the Chairman.

- (b) Ward Members and the Parish/Town Council representative will be afforded an appropriate amount of time (at the discretion of the Chairman) within which to address the Committee.
- (c) Each other group of speakers (objectors and applicants/supporters) will be allowed a maximum of five minutes (except at the discretion of the Chairman) to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.
- (c) At the meeting the Officer will present his / her report first.
- (e) The Parish/Town Council representative will then address the Committee.
- (f) The Ward Member will then address the Committee.
- (g) The objectors will then make their representations, and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (h) The applicant/supporter will then make his or her representations and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (i) Officers may comment on the representations and the merits of the application.
- (j) The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.
- (k) New documents should not be circulated to the committee; councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising.

12. REVIEW OF DECISIONS

- 12.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 12.2 Visits to application sites previously considered by the County Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 12.3 Attendance at the review site visits shall be restricted to members of the committee and the local County Council members.

Appendix 9: Table of Changes
