



CONSTITUTION

OF THE COUNCIL

April 2021

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Arabic

আকারে এই তথ্যটি পেতে নিচের নম্বরে ফোন করুন:

Bengali

假如您需要這份資料的中文摘要，請致電下面的號碼。

Chinese

यदि आप यह जानकारी का संक्षेप हिन्दी में चाहते हैं, तो कृपया निचे दिए हुए नम्बर में सम्पर्क करें ।

Hindi

Jezeli potrzebujesz streszczenia tych informacji w języku polskim zadzwoń prosze na ponizszy numer

Polish

ਜਾਂ ਤੁਸੀਂ ਇਹੁ ਖ਼ਬਰ ਦਾ ਨਿਚੋੜ ਪੰਜਾਬੀ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਰਪਾ ਥੱਲੇ ਦਿੱਤੇ ਹੋਏ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ ।

Punjabi

اگر آپ کو یہ معلومات اردو میں درکار ہیں تو اس نمبر پر کال کیجیے۔

Urdu



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PART 1

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Summary and Explanation

Aims of the Council

County Durham is a large county with a wide range of settlements and landscapes. The council is made up of an elected assembly of 126 councillors accountable to over 500,000 people in County Durham and is responsible for:

- providing a wide range of public services to the people of the county;
- representing and promoting the interests of County Durham when dealing with regional, national and international affairs.
- Helping local people to look after their own affairs and to decide how and where money is best spent in their area.

The County Durham vision is structured around three strategic ambitions:

- More and better jobs - This ambition has a wide-ranging focus which includes not only development of the economy and creating jobs, but also working with young people and adults to help them into work, through good quality education and training.
- Long and independent lives – The ambitions for longer and independent lives focuses strongly on the health and wellbeing of the local population, including ensuring that all of our children and young people get the best start in life, and services for children with special educational needs and disabilities (SEND) are improved. The ambitions have a strong focus on improving mental as well as physical wellbeing.
- Connected communities – This is a dual ambition of safer communities and sustainable communities. In respect of safer communities this ambition focuses on making life better in local communities across the County. On how we ensure children and young people have safe lives in safe communities where people support each other, and have access to high quality housing, good transport links and vibrant town and village centre. In respect of sustainable communities focus includes consideration of the quality and sustainability of the natural environment as well as housing and transport, and towns and village centres.

The Council Structure

The powers and responsibilities of the council are determined by Parliament with county council elections held every four years. The most recent election was held in May 2017. As a 'unitary' council, Durham County Council provides the majority of council services in County Durham and works with a range of partners to provide services in the best possible way.

The council's decision making structure includes:

- A Cabinet of ten councillors which meets on a monthly basis to make decisions to implement the council's policies and budgets. Cabinet is also required to set out its programme of work prior to taking a key decision and

before making a decision in private. A notice of key decisions is produced and published on the council website.

- A Corporate Overview and Scrutiny Management Board and its Committees which can monitor Cabinet's decisions and the Management Board can 'call-in' a decision of the Cabinet (Executive) that has been made, but not yet implemented.
- The full Council of 126 councillors, being a forum for general debate and recognising achievements and outstanding service. The full Council is also responsible for a number of specific functions. This includes adopting and changing the constitution, approving the policy framework and budget, appointing the leader of the council, appointing committees, appointing chair's and vice chair's of committees, appointing representatives to outside bodies, receiving reports and recommendations from other council bodies.
- Regulatory committees that are responsible for regulatory functions, including planning, highways, licensing and standards. Their business is often governed by law or regulations.

The constitution sets out how the council operates, how decisions are made and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people. There is time for public questions at both Cabinet and full Council.

Area Action Partnerships involve partners, local people and organisations in the council's work, to allow various public, voluntary and community organisations as well as individuals to have a say in how local services are provided to their area.

The Council's Constitution

Durham County Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 12 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols towards the end of the document.

How the Council operates

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

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer trains and advises them on the code of conduct and also has responsibilities in relation to Town and Parish Councils within County Durham.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol (to be found in Part 5 of the Constitution) governs the relationships between officers and members of the Council.

Citizens' Rights

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

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- petition the Council, about a matter for which it has responsibility or which affects the County. The Council will administer petitions in accordance with the Council Procedure Rules and the Overview and Scrutiny Rules (found in Part 4 of the Constitution);
- ask questions at Council meetings on matters relevant to the Council's functions;
- find out, from the Executive's Notice of Key Decisions, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive except where personal or confidential matters are being discussed;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- complain to the Council about the way a service has been delivered or about anything the Council or the Executive have done or propose to do. A copy of the Council's Corporate Complaints Policy and Procedure can be obtained from the Head of Legal and Democratic Services;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor or a parish councillor has not followed their Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Legal and Democratic Services. A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

Glossary of Terms

Advisor	A person, who is neither a Member nor an officer of the Council, appointed by a committee, sub-committee or panel to advise on specific matters or generally. This person cannot vote.
Articles	The basic rules governing the Council's business.
Background Papers	The law says that report authors must list any papers used in compiling a report for decision, and these papers must be available for 4 years to anyone wishing to inspect them.
Budget	All the financial resources allocated to different services and projects.
Budget and Policy Framework	The plans and strategies, which have to be adopted by the full Council and within which the Executive have to operate see Article 4.
Cabinet	The Councillors who, together with the Leader, form the Executive.
Call-in	A mechanism, which allows the Overview & Scrutiny Committee to examine, and challenge, an Executive decision before it is implemented.
Chair	The first citizen of the County, who promotes the County and carries out ceremonial activities on behalf of the Council, including chairing meetings of the Council.
Chief Financial Officer	Also known as the "Section 151 Officer". The officer responsible for the administration of the financial affairs of the Council. This is a statutory 'proper officer' role.
Chief Officers	The most senior Council staff – see Article 9 and the Officer Employment Procedure Rules.
Clear Working Days	Relevant to prior notice of decisions – all agendas and papers for decision in public must be available 5 clear working days before the decision is taken (special rules can apply to urgent late items). The five days does NOT include the day the papers are sent out or the date of the meeting (hence the use of 'clear'). 'Working' is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and Bank Holidays.

Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order. (see also 'Exempt Information' below).
Constitution	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-optee / Co-opted	A non-Councillor (may be non-voting) appointed to serve on a Committee / Sub-Committee in a participatory capacity.
Corporate Directors	The officers in charge of the Council Directorates.
Council Committees Executive functions.	May be established by the Council to assist with non-Executive functions.
Council Procedure Rules	Rules governing meetings of Council committees and sub-committees, apart from the Executive.
Delegation	Formal authorisation for a committee, portfolio holder, joint committee or officer to take an action, which is the ultimate responsibility of the Council or Executive.
Executive	The Leader and the Cabinet; responsible for carrying out almost all of the local authority's functions. The Executive must consist of a minimum of three Councillors, including the Leader, and a maximum of 10.
Executive Procedure Rules	The rules of procedure governing meetings of the Executive. Note that Advisory Panels and Consultative Forums established by the Executive have their own set of procedure rules.
Exempt Information	Information falling into one of 7 categories set out in the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 and the Local Government (Access to Information) (Variation) Order 2006 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules in Part 4 of the Constitution.
Forward Plan	A schedule of the Key Decisions the Executive expects to take over the next 4 months.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council. The Head of Paid Service is a statutory 'proper officer' role.

Joint Committee	A body appointed under Section 101 of the Local Government Act 1972 (e.g. crematoria committees)
Key Decision	A decision by the Executive, which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards (sometimes 1 Ward). (See Article 10 for more information).
Leader of the Council	Elected by the whole Council, usually though not always from within the party with most Councillors on the Council. Proposes the membership of the Executive, which must then be approved by the whole Council. Leads and Chairs the Executive.
Mayor	Although the City of Durham has a ceremonial Mayor, in this constitution, any reference to a mayor is to an elected mayor, which does not currently exist for the area and would require a change in the governance structure of the Council from the current Leader and Cabinet model.
Monitoring Officer	The Council officer charged with ensuring that everything that the Council does is fair and lawful. The Monitoring Officer is currently the Head of Legal and Democratic Services. This is a statutory 'proper officer' role.
Overview & Scrutiny	A Corporate Overview and Scrutiny Committee providing strategic leadership and five thematic committees to provide support and advice to the Executive by contributing to the review and development of policy; also to hold the Executive to account by questioning, challenging and monitoring their performance.
Political Proportionality	A legal principle which dictates that Committees of the Council (but not the Executive) must include elected politicians in proportion to the size of their groups on the Council as a whole.
Portfolio Holder	A Cabinet Member with responsibility for ensuring the effective management and delivery of a particular area of the Council's work. (See Article 6).
Procedure Rules	Detailed rules which govern how the Council operates and how decisions are taken. See Part 4 of the Constitution.

Proper Officer	A senior officer of the Council who has specific responsibilities in law.
Protocols	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
Quorum	The minimum number of people who have to be present before a meeting can take place. (This is set out in the relevant Rules of Procedure in Part 4 of the Constitution)
Scheme of delegation	The document in Part 3 of the Constitution which sets out which officer is responsible for particular functions of the Council.
Substitute	Some committees permit councillors to appoint a substitute (or reserve) councillor to attend a meeting, which they cannot attend themselves (for regulatory committees, the substitute must have completed the required training).
Summons	The term used to describe the Agenda for meetings of the full Council.
Virement	Moving budget funds from one area of expenditure to another within a financial year.

PART 2 Articles of Association

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Article 1 – The Constitution

1.01 The Constitution

This Constitution, and all its appendices, is the Constitution of Durham County Council.

1.02 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution. In the event that the constitution conflicts with the law, the law shall prevail.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution.

1.05 **Interpretation of Terms**

Throughout this Constitution references to the masculine gender shall be taken to mean both the masculine and the feminine gender and expressions in the singular shall include, where appropriate, the plural.

Article 2 – Members of the Council

2.01 Composition and Eligibility

- (a) **Composition** - The Council will comprise such number of members, otherwise called councillors, as may be elected by the voters of each electoral division in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State as varied by the County Durham (Structural Change) Order 2008 (the 2008 Order) – currently 126.
- (b) **Eligibility** - Only registered voters of the county or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2005. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. The 2008 Order made temporary changes to these arrangements.

2.03 Rights and duties of Members

- (a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (c) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member / Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

2.06 Key roles

Councillors and those co-opted to council bodies, will have the roles and functions appropriate to their position, further detail of which is set out in the Councillor Compact, which can be found on the Council's website.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and petitions – Elected Mayor.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Petitions – General Provisions.** Any citizen has the right to present a petition to the Council either at a meeting of the Council or through the Chair, Leader, Member of the Executive, Committee Chair, Local Member, the Chief Executive or any other Corporate Director. A petition must be in proper language and relate to Council business or to a matter over which the Council has responsibility or which affects the County. The Head of Legal and Democratic Services can give citizens further guidance on this process. Petitions will be managed and responded to in accordance with the provisions set out in the Council Procedure Rules, which can be found at Part 4 of this Constitution.
- (c) **Information** - Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) find out from the Notice of Key Decisions what key decisions will be taken by the Executive and when;
 - (iii) see reports and background papers, and any records of decisions made by the Council and the Executive; and
 - (iv) inspect the Council's accounts and make their views known to the external auditor.
 - (v) ask questions at Council meetings on matters relevant to the agenda.
- (d) **Complaints** - Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Local Government and Social Care Ombudsman after using the Council's own complaints scheme;

- (iii) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
- Council Plan
 - Sustainable Community Strategy
 - County Durham Local Development Framework (Plans and alterations that together form the Development Plan)
 - County Durham Youth Justice Plan
 - Housing Strategy
 - Licensing Authority Policy Statement
 - Statement on Gambling Policy
 - Any other plan or strategy which the Council determines should be adopted or approved by them.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (d) appointing and removing the Leader;

- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05 and amending, revoking or replacing such a scheme;
- (h) confirming and terminating the appointment of the head of paid service;
- (i) receive the final accounts for information; and
- (j) those non-executive functions specified as being the responsibility of the Council in this Constitution;
- (k) all other matters which, by law, must be reserved to the Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. Meetings will be chaired by the Chair or Vice-Chair of the Council.

4.04 Responsibility for Non-Executive or Council functions (* Denotes a local choice function)

- (i) Certain non-executive functions have been delegated to officers. Details of those delegations can be found in the Officer Scheme of Delegations at Part 3 of the Constitution. The committees set out below may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.
- (ii) The Council will appoint Members to the Committees set out in this Article. The committees may then appoint sub-committees or panels to consider and, where appropriate, determine any matter falling within the remit of the committee.
- (iii) The committees may co-opt to their membership or the membership of any sub-committee or panel, person(s) from outside the Council having an interest in the business of the committee, sub-committee or panel but such co-opted person(s) may not vote on any matter.

A. Appeals and Complaints Committee

30 Members of the Council will form this Committee, with individual appeals or complaint hearings being conducted by Sub-Committees of 3 Members of the Committee, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for meetings of this Sub-Committee shall be 3, and it will discharge the following functions:-

- (i) The determination of an appeal made against any decision made by or on behalf of the Council including staff disciplinary and grievance appeals.
- (ii) Consideration of complaints under Stage 3 of the Council's Corporate Complaints Policy and Procedure, where referred by the Head of Legal and Democratic Services.

B. Area Planning Committees

There are three Area Planning Committees:-

- North Durham (comprising the former District Council areas of Chester le Street and Derwentside)
- Central and East Durham (comprising the former District Council areas of Durham City and Easington)
- South and West Durham (comprising the former District Council areas of Sedgefield, Teesdale and Wear Valley)

with each area committee comprised of 16 Members of the Council - 8 Members representing Electoral Divisions within the Committee's area and 8 other Members from the rest of the County excluding Members of the Executive. Except where the matter is delegated to an officer, Area Planning Committees will have the following functions for the areas:

- (i) Functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations unless those matters fall within the remit of the County Planning Committee
- (ii) Power to make limestone pavement order
- (iii) Powers relating to the protection of important hedgerows
- (iv) Powers relating to the preservation of trees
- (v) Powers relating to complaints about high hedges.

C. Audit Committee

The Audit Committee is comprised of 9 Members of the Council, excluding Members of the Executive and Executive Support Members, and 2 co-opted non-voting Members. A Chair of the Corporate Overview and Scrutiny Management Board, any other Scrutiny

Committee or the Standards Committee may not chair the Audit Committee.

Audit Committee approves the Council's 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. In particular the Audit Committee will:-

On audit matters:

- (i) consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
- (ii) consider summaries of Internal Audit reports on a quarterly basis;
- (iii) consider reports dealing with the performance of the Internal Audit service;
- (iv) consider a report from Internal Audit on agreed audit recommendations not implemented within a reasonable timescale;
- (v) consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance;
- (vi) consider specific reports as agreed with the External Auditor;
- (vii) consider the External Audit plan, comment on the scope and depth of external audit work, and to ensure it gives value for money;
- (viii) review the appointment of the Council's External Auditor;
- (ix) within available resources be able to request work from Internal and External Audit.

On governance issues:

- (x) maintain an overview of the Council's Constitution in respect of changes to contract procedure rules and financial procedure rules;
- (xi) review any issue referred to it by the Chief Executive or a chief officer, or any Council body;

- (xii) monitor the effective development and operation of risk management and overall corporate governance in the Council;
- (xiii) monitor the operation of the Council's anti-fraud and anti-corruption policies and strategy;
- (xiv) approval and adoption of the Council's Annual Governance Statement;
- (xv) consider the Council's arrangements for corporate governance and recommend actions to ensure compliance with best practices;
- (xvi) monitor and oversee the Council's arrangements for meeting its responsibilities under Health and Safety legislation.

On annual accounts matters:

- (xvii) approve the annual statement of accounts;
- (xviii) to comment on the External Auditor's report to those charged with governance on issues arising from the audit of the accounts;
- (xix) overview of probity aspects of internal and external audit;
- (xx) overview of the Council's Confidential Reporting Code.

D. Chief Officer Appointment Committee

Comprised of 11 Members of the Council including the Leader and Deputy Leader, the Chief Officer Appointment Committee will expand to include 2 voting co-opted Independent Persons in the case of proposed disciplinary action against a Statutory Officer, and shall be responsible for:

- (i) Appointment of the Chief Executive (subject to confirmation by the full council) and chief officers and associated functions under Section 112 of the Local Government Act 1972 in relation to those officers.
- (ii) Dismissal of Chief Officers, subject to the provisions contained in the Officer Employment Procedure Rules regarding the dismissal of Statutory Officers.
- (iii) Appointment and dismissal of the Director of Public Health (committee to act as advisory appointments committee, the appointment is subject to the approval of the Secretary of State for Health)

- (iv) To make recommendations to Full Council regarding a decision to dismiss a Statutory Officer

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 Chair or Vice-Chair of Children and Young People's Overview and Scrutiny Committee, plus a maximum of 10 non-voting Co-opted Members, consisting of school representatives and 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:
 - Children and Young people in residential care
 - Children and Young people in foster care
 - Children and Young people placed for adoption
 - Children and Young people placed at home under Care Planning, Placement and Case Review Regulations
 - Young people who are living in supported lodgings
 - Young people in secure services
 - 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.

F. Full Council

Comprised of all 126 elected Members, the full Council is responsible for:-

- (i) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000 ("the 2000 Act"), the functions of
 - a. making arrangements for the discharge of functions by a joint committee or officer under section 101(5) of the Local Government Act 1972 ("the 1972 Act"); and
 - b. making appointments under section 102 (appointment of committees) of the 1972 Act.

- (ii) Functions relating to elections as set out in Section D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 (“the 2000 Regulations”).
- (iii) Functions relating to name and status of areas and individuals as set out in Section E of Schedule 1 to the 2000 Regulations.
- (iv) Functions relating to changing governance arrangements as set out in Section EA of Schedule 1 to the 2000 Regulations.
- (v) Making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”).
- (vi) Functions relating to community governance as set out in Section EB of Schedule 1 to the 2000 Regulations.
- (vii) Power to make, amend and revoke byelaws.
- (viii) Promotion or opposition of local or personal Bills.
- (ix) Power to make standing orders.
- (x) Power to make standing orders as to contracts.
- (xi) Powers in relation to staff under section 112 of the 1972 Act unless delegated to a committee or an officer.
- (xii) Duty to make arrangements for the proper administration of the Council’s financial affairs.
- (xiii) Appointment of “proper officers” for particular purposes under the 1972 Act.
- (xiv) Duty to designate an officer as the head of the council’s paid service and to designate an officer as the monitoring officer and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
- (xv) Dismissal of Statutory Officers in accordance with the procedure set out in the Officer Employment Procedure Rules.
- (xvi) Functions relating to sea fisheries

G. County Planning Committee

Comprising 16 Members of the Council, excluding Members of the Executive, the County Planning Committee is responsible for the following, except where delegated to an officer:

- (i) To exercise the Council's functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations, in relation to the following matters:
 - a. Residential development proposals involving 200 or more dwellings or a site area of 4 hectares or more
 - b. All non-residential development proposals (including commercial, retail and industrial developments) of 10,000 or more square metres floorspace or a site area of 2 hectares or more.
 - c. Development proposals involving the erection of one or more wind turbines described as Medium-Large or Large and having a height in excess of 40 metres to the blade tip or a site area of 1 hectare or more.
 - d. Applications for renewable energy developments (including Biomass, Hydro-Electric, Geothermal, Gasification or Photovoltaics) of 1 hectare or more.
 - e. All development proposals relating to minerals or waste
- (ii) Development which in the opinion of the Head of Planning Services is of strategic significance, including strategic schemes promoted by the County Council.

H. General Licensing and Registration Committee

Comprised of 27 Members of the Council the General Licensing and Registration Committee is responsible for:

- (i) Reviewing and making recommendations to the Council where appropriate on policies in relation to the licensing functions set out below.
- (ii) Except where the matter is delegated to a Sub Committee or to an officer:
 - a. To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to:
 - hackney carriages and private hire vehicles;
 - sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982;

- market and street trading;
 - b. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- (iii) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.

I. General Licensing and Registration Sub-Committee

There are three General Licensing and Registration Sub-Committees, each comprised of 4 Members of the Council plus either a Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for a meeting of this committee shall be 3 and the panels will be identified by the Head of Legal and Democratic Services for each scheduled meeting at the start of the municipal year. The Sub-Committees will discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.

J. Highway Committee

Formed of 21 Members of the Council, except where the matter is delegated to an officer, the Highway Committee is responsible for:

- (i) Functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations in cases where objections have been made and not withdrawn.
- (ii) Providing guidance to the Corporate Director, Regeneration and Local Services as appropriate, in relation to the exercise of delegated functions under the Road Traffic Regulation Act 1984, where objections have been made and not withdrawn.
- (iii) Providing guidance to the Corporate Director, Regeneration and Local Services as appropriate, in relation to the exercise of delegated functions under sections 4, 5, 6 and 7 of the Local Government (Miscellaneous Provisions) Act 1953 where objections or representations are made and not withdrawn.
- (iv) Any other non-executive functions specified in the 2000 Regulations relating to highways or public rights of way which require a statutory notice or consultation and where objections have been made and not withdrawn.
- (v) To discharge the Council's licensing, registration and regulatory functions in relation to common land and town and village greens.

- (vi) Providing guidance to the Corporate Director, Regeneration and Local Services as appropriate, in relation to the exercise of delegated functions to determine proposals to appropriate or dispose of open space or 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, if there are any unresolved objections to the proposals.

K. Pension Fund Committee

The Pension Fund Committee is comprised of:-

- (i) 11 Members of the Council
- (ii) 2 Members appointed by Darlington Borough Council
- (iii) 1 Member representing the Further Education Colleges
- (iv) 1 Member drawn from other statutory bodies including Police, Fire, Probation, Town and Parish Councils
- (v) 1 Member representing Admitted Bodies
- (vi) 2 scheme Member representatives

and is responsible for exercising the Powers and duties arising from Section 7 of the Superannuation Act 1972 and Regulations made thereunder including:

- (a) approval of applications from bodies seeking admission to the Local Government Pension Scheme;
 - (b) appointment of external investment managers and advisers.
- as well as discharging the Council's functions relating to local government pensions other than policy formulation and review.

L. Statutory Licensing Committee

The Statutory Licensing Committee is a sub-committee of the General Licensing and Registration Committee and is comprised of 15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee. who, whilst predominantly serving the Statutory Licensing Committee and its sub committees, can when occasion demands also serve on other sub committees of the General Licensing and Registration Committee. The functions discharged by the Statutory Licensing Committee are:

- (i) To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy.
- (ii) To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy.
- (iii) To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles

- (iv) To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy
- (v) To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005.
- (vi) To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.

M. Statutory Licensing Sub-Committee

There are 3 Statutory Licensing Sub-Committees, each comprised of 4 Members sitting with the Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services. The quorum for meetings of these Sub-Committees shall be 3 and only 3 of the 5 who are asked to attend will make up the actual sub-committee, the remaining 2 to be substitutes if need arises. Each Statutory Licensing Sub-Committee will discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.

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Article 5 – Overview and Scrutiny Arrangements

5.01 Terms of Reference

The Council will appoint the following Committees to discharge the functions conferred by s.21 of the Local Government Act 2000 (as amended) or regulations under s. 32 of the Local Government Act 2000 (as amended) and under the Health and Social Care Act 2001. The terms of reference for the Committees are set within the context of the Council Plan, its Notice of Key Decisions and the overarching partnership framework.

Neither the Chair of the Council nor members of the Executive or Executive Support Members may be members of a Scrutiny Committee.

A. Corporate Overview and Scrutiny Management Board

Comprising 26 Members of the Council including the Chair's and Vice Chair's of the other 5 Scrutiny Committees, this Committee will:

- (i) Oversee and co-ordinate the work of Overview and Scrutiny and its committees
- (ii) Ensure effective liaison across the work of the committees re: cross cutting issues
- (iii) Be a strategic driver of the Overview and Scrutiny function
- (iv) Consider as appropriate scrutiny member involvement in regional scrutiny arrangements within the context of any regional strategies.
- (v) Establish appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council
- (vi) Encourage appropriate community involvement in the Overview and Scrutiny role
- (vii) Consider the Council Plan and Notice of Key Decisions and to monitor performance against these plans
- (viii) Deal with petitions in accordance with the Council's Protocol for petitions
- (ix) Consider the Council's annual budget
- (x) Assist the Executive in the development of the Council's annual budget and to review and scrutinise budgetary management
- (xi) Assist the Executive in ensuring the provision of efficient and effective corporate management and support arrangements.

- (xii) Assist the Executive in the development of asset management.
- (xiii) Scrutinise delivery of the County Durham Vision 2035 and Council Plan ambition of an excellent council and associated objectives of:
 - i. Our resources will be managed effectively
 - ii. We will create a workforce for the future
 - iii. We will design our services with service users
 - iv. We will use data and technology more effectively
 - v. We will actively performance manage our services
 - vi. Fewer people will be affected by poverty and deprivation in the County

The Chair and Vice-Chair of this main scrutiny committee, shall be additional members of all other Scrutiny Committees

In the event of any Educational related matter being subject to Call-in, the 7 voting faith and parent governor representatives shall be invited to attend the Corporate Overview and Scrutiny Management Board that considers that Call-in.

B. Children and Young People’s Scrutiny Committee

Comprised of 21 Members of the Council including the Chair or Vice Chair of Corporate Parenting Panel plus 7 voting faith and parent governor representatives and up to 2 non-voting co-optees, including young people, the Children and Young People’s Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs, People Live Long and Independent Lives and Connected Communities in relation to Children and Young People and Council Plan objectives of:

- i. Young people will have access good quality education, training and employment
- ii. Children and young people will enjoy the best start in life, good health and emotional wellbeing
- iii. Children and young people with special educational needs and disabilities will achieve the best possible outcomes
- iv. All children and young people will have a safe childhood

C. Safer and Stronger Communities Overview and Scrutiny Committee

This Committee shall be the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.

Comprised of 21 Members of the Council with up to 2 non-voting co-optees, plus co-opted employees or officers of a responsible authority or of a co-opting person or body, in accordance with Crime and Disorder (Overview and Scrutiny) Regulations 2009. The Safer and Stronger Communities Overview

and Scrutiny Committee will scrutinise delivery of the County Durham Vision ambitions of People Live Long and Independent Lives and Connected Communities in relation to safer and stronger communities and Council Plan objectives of:

- i. Promotion of positive behaviours
- ii. Our villages and villages will be vibrant, well used, clean, attractive and safe. Communities will come together to accept and support each other.

D. Environment and Sustainable Communities Overview and Scrutiny Committee

Comprised of 21 Members of the Council and up to 2 non-voting co-optees, The Environment and Sustainable Communities Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People Live Long and Independent Lives and Connected Communities in relation to the Environment and sustainable communities and Council Plan objectives of:

- i. A physical environment that will contribute to good health
- ii. Our towns and villages will be vibrant, well used, clean, attractive and safe
- iii. People will have good access to workplaces, services, retail and leisure opportunities.

E. Economy and Enterprise Overview and Scrutiny Committee

Comprised of 21 Members of the Council and up to 2 non-voting co-optees, the Economy and Enterprise Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs and Connected Communities and Council Plan objectives of:

- i. Delivery of a range of employment sites across the county.
- ii. A strong, competitive economy and County Durham will be a premier place in the North East to do business.
- iii. A broader experience for residents and visitors to the county.
- iv. People will have good access to workplaces, services, retail and leisure opportunities.
- v. Helping all people into rewarding work.
- vi. Standards will be maintained or improved across County Durham's Housing stock.
- vii. Delivery of new high-quality housing which is accessible and meets the needs of our residents.

F. Adults Well-Being and Health Overview and Scrutiny Committee

This Committee will be the Council's designated Health Scrutiny Committee in accordance with the Health and Social Care Act 2012.

Comprised of 21 Members of the Council plus up to 2 non-voting co-optees, the Adults, Well-being and Health Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People live long and Independent Lives and Council Plan objectives in relation to Adults wellbeing and Health of:

- i. Better integration of health and social care services
- ii. People will be supported to live independently for as long as possible by delivering more homes to meet the needs of older and disabled people
- iii. Tackling the stigma and discrimination of poor mental health and building resilient communities.
- iv. Promotion of positive behaviours.

And will also:

- v. Lead on the review and scrutiny of NHS Services, Adults social care, Health inequalities and improvement and Public Health Service

5.02 General role

Within their terms of reference, the Scrutiny Committees will:

- (i) review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and / or the Executive in connection with the discharge of any functions;
- (iii) consider and make reports or recommendations on any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive in accordance with the Overview and Scrutiny Procedure Rules.
- (v) work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (vi) promote equality and diversity across all of its work and the work of the County Council.

5.03 Specific functions

(a) Policy development and review.

The Corporate Overview and Scrutiny Management Board and Scrutiny Committees may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) question Members of the Executive and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area; and
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (v) consider the impact of policies to assess if they have made a difference.

(b) Scrutiny

The Corporate Overview and Scrutiny Management Board and Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the Executive and/or Committees and council Officers in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Members of the Executive and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Corporate Overview and Scrutiny Management

Board or Scrutiny Committee and local people about their activities and performance; and

- (vi) question and gather evidence from any person (with their consent).

(c) Finance

The Corporate Overview and Scrutiny Management Board will exercise overall responsibility for the budget allocated to the function.

(d) Annual report

The Corporate Overview and Scrutiny Management Board must report annually to full Council on their workings with recommendations for its future work programme and amended working methods if appropriate. This annual report will be complemented by additional half-yearly update reports setting out key issues from Overview and Scrutiny activity.

5.04 Proceedings of Overview and Scrutiny Bodies

The Corporate Overview and Scrutiny Management Board and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 6 – The Executive

6.01 Executive functions are all of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution, together with the following local choice executive functions:

- (a) The appointment of any individual –
 - (i) to any office other than an office in which they are employed by the authority;
 - (ii) to any body other than –
 - a. the authority;
 - b. a joint committee of two or more authorities; or
 - (iii) to any committee or sub-committee of such a body,and the revocation of any such appointment.
- (b) The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.
- (c) Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007.
- (d) Local Act functions not delegated to an officer.

6.02 Form and composition

The Executive will consist of a Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Leader, one of whom shall be designated by the Leader as the Deputy Leader.

6.03 Leader

The Leader of the Council will be a councillor elected to that position by the Council at their annual meeting in 2017. The Leader will hold office until the day of the post-election annual meeting following their election, unless before that date:

- (a) they resign from the office; or
- (b) they are suspended from being a councillor under Part III of the Local Government Act 2000 (as amended) (although they may resume office at the end of the period of suspension unless they have during that period been removed from office under sub-paragraph (d) below); or
- (c) they are no longer a councillor; or

- (d) they are removed from office by resolution of the Council in accordance with the Council Procedure Rules in Part 4 of this Constitution.

6.04 Deputy Leader

The Deputy Leader will hold office until the end of the term of office of the Leader, unless before that date:

- (a) they resign from office; or
- (b) they are suspended from being a councillor under Part III of the Local Government Act 2000 (as amended) (although they may resume office at the end of the period of suspension unless they have, during that period, been removed from office by the Leader); or
- (c) they are no longer a councillor; or
- (d) they are removed from office by the Leader.

6.05 Other Executive Members

Other Executive Members will hold office for such period as the Leader shall determine unless during that period:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (as amended) (although they may resume office at the end of the period of suspension unless they have, during that period been removed from office by the Leader); or
- (c) they cease to be councillors.

6.06 Executive Support Members

- (a) The Leader may appoint and remove at their discretion up to 10 councillors to be Executive Support Members, to support and assist the Executive as a whole or individual members of the Executive.
- (b) Executive Support Members may not be members of any Overview and Scrutiny Committee, or Audit Committee or the Chair of the Council.
- (c) Executive Support Members may not substitute or represent an Executive Member at meetings of the Executive or a committee of the Executive, or require an item to be placed on the agenda of such meetings; nor may they exercise any executive function delegated to an Executive Member.

6.07 Vacancies or Inability to Act

- (a) Where a vacancy occurs in the office of Deputy Leader, the Leader will appoint another person in their place;
- (b) If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader will act in their place;
- (c) if for any reason:
 - (i) the Leader is unable to act or the office of Leader is vacant; and
 - (ii) the Deputy Leader is unable to act or the office of Deputy Leader is vacant;

the Executive will act in the Leader's place or arrange for a member of the Executive to act in their place.

6.08 Responsibility for functions

- (a) The Leader may discharge any executive function of the Council.
- (b) The Leader may arrange for the discharge of any executive function
 - (i) by the Executive;
 - (ii) by another member of the Executive;
 - (iii) by a committee of the Executive, or
 - (iv) by an officer of the Council
- (c) The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Executive. Portfolio holders do not have delegated powers.

<p>Leader of the Council</p> <p>Cllr Simon Henig</p>	<ul style="list-style-type: none"> ● Overall co-ordination of policy, including MTFP ● Council strategy ● Performance framework and monitoring ● County Durham Partnership ● External Partnerships ● Communications ● Legal and Democratic Services+
<p>Deputy Leader and Finance</p> <p>Cllr Alan Napier</p>	<ul style="list-style-type: none"> ● Finance ● Legal and Democratic Services+ ● Risk Management
<p>Adult and Health Services</p> <p>Cllr Lucy Hovvels</p>	<ul style="list-style-type: none"> ● Adult Social Care Services ● Adult Safeguarding ● Adult Social Care Commissioning ● Health and Wellbeing (chair of HWB) ● Public Health ● Community Safety ● Links with Durham Police ● Veterans champion ● Mental Health champion
<p>Children and Young People's Services</p> <p>Cllr Olwyn Gunn</p>	<ul style="list-style-type: none"> ● Education 0-19 ● Specialist and Safeguarding Children's Services ● Youth Services, including Youth Offending Services ● Children's Centres ● Young carers ● Adult learning ● Health and wellbeing board member
<p>Corporate Services and Rural Issues</p> <p>Cllr Andrea Patterson</p>	<ul style="list-style-type: none"> ● Customer Services ● Human Resources ● Member Development ● ICT & Digital agenda ● Rural champion
<p>Economic Regeneration</p> <p>Cllr Carl Marshall</p>	<ul style="list-style-type: none"> ● Economic Development ● Town Centres ● Regeneration ● Leisure services ● Skills agenda ● Spatial Planning / County Durham Plan ● Strategic Transport / Local Transport Plan ● Development Control ● Climate change champion: Cllr John Clare
<p>Neighbourhoods and local partnerships</p>	<ul style="list-style-type: none"> ● Area Action Partnerships ● Relationships with Town and Parish Councils

Cllr Brian Stephens	<ul style="list-style-type: none"> ● Community Development ● Community Facilities ● Neighbourhood Streetscene ● Environment Policy, including sustainability ● Environment, Health and Consumer Protection ● Highways ● Waste Management ● Direct Services ● Bereavement services
Social Inclusion Cllr Angela Surtees	<ul style="list-style-type: none"> ● Carers ● Equality and Diversity ● Humanitarian Support Partnership ● Welfare reform and impact ● Welfare rights
Strategic Housing and Assets Cllr Kevin Shaw	<ul style="list-style-type: none"> ● Housing strategy ● Homelessness ● Private sector housing issues ● Fuel poverty / Energy efficiency ● Links with Housing providers ● Assets (land and property) ● Parks ● Allotments ● Gypsy, Roma, Traveller Services
Transformation, Culture and Tourism Cllr Joy Allen	<ul style="list-style-type: none"> ● Council transformation programme ● Archives ● Libraries ● Culture, Arts and Tourism ● Events ● Emergency planning / Civil contingencies

+ *shared responsibility*

6.09 Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

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Article 7 – The Standards Committee

7.01 Standards Committee

The Council meeting will establish a Standards Committee.

7.02 Composition

The Standards Committee comprises 11 Council Members with two co-optees from the parish councils.

7.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
- (b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
- (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
- (e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
- (f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
- (g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
- (h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;

- (i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
- (j) overview of the Officers' Code of Conduct;
- (k) overview of the Protocol on Member / Officer Relations.

Article 8 – Joint Arrangements

8.01 Arrangements to promote well being

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

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

8.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by law the Executive may only appoint Executive Members to such joint committees and those members need not reflect the political composition of the Council as a whole.
- (c) The Executive may appoint members to a joint committee from outside the Executive where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the county by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (d) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

8.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to an executive, subject to any contrary provision agreed among the participating authorities as permitted by law.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

8.04 Delegation to and from other local authorities

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

8.05 Contracting out

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

8.06 Partnerships

The Council will maintain and regularly review a register of partnerships in which the Council participates. Reviews will be undertaken in accordance with the Council's Partnership Performance Management Framework to assess and evaluate the governance and effectiveness of each partnership.

8.07 Existing Joint Arrangements

(a) The Mountsett Crematorium Joint Committee

This Joint Committee operates under an Agreement dated 8 September 1983 (which was supplemental to earlier Agreements)

made between Derwentside District Council and Gateshead Borough Council. The purpose of the Agreements is to provide and maintain a crematorium to serve the areas of the respective councils, known as the Joint Crematorium District. On 1 April 2009 Durham County Council assumed the rights and liabilities of Derwentside District Council under the Agreements referred to above. On 19 June 2019 the Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution.

(b) The Central Durham Crematorium Joint Committee

This Joint Committee operates under an Agreement dated 3 May 1983 made between Durham City Council and Spennymoor Town Council. The purpose of the Agreement is to provide and maintain a crematorium to serve the areas of the respective councils. On 1 April 2009 Durham County Council assumed the rights of liabilities of Durham City Council under the Agreement referred to above. On 19 June 2019 the Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution

(c) The Joint Health Overview and Scrutiny Committee

The Joint Health Overview and Scrutiny Committee is established in accordance with section 244 and 245 of the National Health Service Act 2006. This Joint Committee is made up of 12 members, comprising 1 from each of the 12 constituent Authorities. The purpose of the Joint Committee is to scrutinise issues around the planning, provision and operation of health services in and across the North-East region, comprising for these purposes of the areas covered by all the constituent Authorities. A copy of the terms of reference and protocol can be obtained from the Scrutiny Officer upon request.

(d) Durham Police and Crime Panel

The Police and Crime Panel is established under the Police Reform and Social Responsibility Act 2011. The Panel is made up of 7 members from Durham County Council, 3 members of Darlington Borough Council and 2 independent co-opted members. The purpose of the Panel is to scrutinise and support the work of the Police and Crime Commissioner. The terms of reference and rules of procedure can be obtained from the Monitoring Officer upon request.

(e) Health and Wellbeing Board

This Board comprises:-

- (i) Representatives nominated by the Leader being currently:
- Portfolio Holder for Adult and Health Services;
 - Portfolio Holder for Children and Young People's Services;
 - and
 - Portfolio Holder for Transformation

- (ii) Representation from each Clinical Commissioning Group;
- (iii) A representative from Local Healthwatch;
- (iv) Corporate Director of Adult and Health Services;
- (v) Corporate Director of Children and Young People's Services;
- (vi) Director of Public Health
- (vii) Director of Integration (a joint representative of Durham County Council and Health Partners).
- (viii) A representative from the housing section (Housing Solutions)

and nominated representation from each of the following:-

- (ix) Chief Executive of Tees Esk and Wear Valley NHS Foundation Trust;
- (x) Chief Executive of County Durham and Darlington Foundation Trust;
- (xi) Chief Executive of City of Sunderland NHS Foundation Trust;
- (xii) Chief Executive of North Tees and Hartlepool NHS Foundation Trust;
- (xiii) Chief Executive of Harrogate and District NHS Foundation Trust;
- (xiv) Office of Police, Crime and Victims Commissioner;
- (xv) County Durham and Darlington Fire and Rescue Service;
- (xvi) Housing Service.

The Health and Wellbeing Board has the following roles and functions:-

- a. Promote integrated working between commissioners of health services, public health and social care services, for the purposes of advancing the health and wellbeing of the people in its area;
- b. Encourage those who provide services related to wider determinants of health, such as housing, to work closely with the Health and Wellbeing Board;
- c. Develop and agree the Joint Strategic Needs Assessment ("JSNA"), Joint Health and Wellbeing Strategy ("JHWS") and Pharmaceutical Needs Assessment ("PNA");
- d. Be involved throughout the process as CCGs develop their commissioning plans and ensure they take proper account of the JHWS when developing these plans;
- e. Provide advice and assistance or other support as it thinks appropriate for the purposes of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006; and
- f. Sign off the Better Care Fund Plan.

(f) **Durham Safeguarding Children Partnership**

Durham Safeguarding Children Partnership (DSCP) was established in April 2019 following the dissolution of the Local Safeguarding Children's Board by the Children Act 2004, as amended by the Children and Social Work Act 2017.

There are three Statutory Safeguarding Partners in Durham, namely County Durham Clinical Commissioning Group, Durham County Council (Children and Young People's Service) and Durham Constabulary.

The Safeguarding Partners share responsibility for ensuring effective local safeguarding arrangements.

The relevant agencies required to provide virtual representation or representation at subgroups, development session and agency groups are:

- County Durham & Darlington NHS Foundation Trust
- Tees, Esk & Wear Valleys NHS Foundation Trust
- Harrogate & District NHS Foundation Trust
- North Tees and Hartlepool NHS Foundation Trust
- City Hospitals Sunderland NHS Foundation Trust
- North East Ambulance Service
- Durham Voice (Voluntary Sector)
- Further Education Settings
 - o Bishop Auckland College
 - o New College Durham
 - o East Durham College
 - o Derwentside College
- Children and Family Court Advisory and Support Service (Cafcass)
- Education
- Independent Schools
- Schools
- Public Health
- National Probation Service Durham
- Durham Tees Valley Community Rehabilitation Company
- County Durham Youth Offending Service
- Housing Services
- NHS England
- The Local Authority Adult & Health Services
- The Local Authority Early Help, inclusion and vulnerable children Services
- The Local Authority Legal Services
- The Prison Service
- County Durham & Darlington Fire & Rescue Service
- British Transport Police
- Faith Groups

Out of the relevant agencies, there will be 4 agency groups that will be expected to meet and provide assurance reports to the Executive Group on

an annual basis. Relevant agencies will not be required to attend every meeting but will nevertheless have a part to play in the business of the Durham Safeguarding Children Partnership.

And fulfils the following functions to support and enable local organisations and agencies to work together in a system where:

- children are safeguarded and their welfare promoted
- partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children
- organisations and agencies challenge appropriately and hold one another to account effectively
- there is early identification and analysis of new safeguarding issues and emerging threats
- learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice
- information is shared effectively to facilitate more accurate and timely decision making for children and families

In order to work together effectively with local organisations and agencies the Safeguarding Partners will develop processes that:

- facilitate and drive action beyond usual institutional and agency constraints and boundaries
- ensure the effective protection of children is founded on practitioners developing lasting and trusting relationships with children and their families.

(g) County Durham Safeguarding Adults Inter-agency Partnership

The County Durham Safeguarding Adults Inter-Agency Partnership is a range of public authorities who share a duty to keep adults in County Durham safe from abuse, harm and neglect. It comprises representatives from:

- (i) Durham Constabulary
- (ii) Children and Adults Services - Durham County Council
- (iii) County Durham Clinical Commissioning Group
- (iv) Primary Care - NHS North Durham Clinical Commissioning Group
- (v) Tees, Esk and Wear Valley Foundation Trust
- (vi) County Durham and Darlington NHS Foundation Trust
- (vii) Age UK Durham
- (viii) Her Majesty's Prison Service
- (ix) Care Quality Commission
- (x) National Probation Service
- (xi) NHS England
- (xii) The Fire Service
- (xiii) Higher/Further Education

And fulfils the following functions:

- a. The promotion of health and wellbeing for adults with needs for care and support, and carers.
- b. Communicating and engaging with wider agencies and communities of interest to help to make adults safer, and ensure the 'voice' of adults is heard.
- c. Complying with local policy, monitoring that compliance and measuring its effectiveness.
- d. Reviewing and analysing safeguarding activity across the partnership to identify and action improvements.
- e. Monitoring the impact safeguarding training provision;
- f. Maintaining and strengthening links and reporting to relevant forums, such as, the Local Safeguarding Children Partnership, Safe Durham Partnership, Health and Wellbeing Board and Overview and Scrutiny Committees;
- g. Working in cohesive and collaborative ways with statutory and non-statutory partners;
- h. Regularly reviewing the governance arrangements and checking statutory obligations are being complied with.

(h) **County Durham and Darlington Fire and Rescue Authority**

County Durham and Darlington Fire and Rescue Authority is a combined authority created by the Durham Fire Services (Combination Scheme) Order 1996. Membership comprises of 21 Members from Durham County Council and 4 Members from Darlington Borough Council (representation from each authority being determined by the size of the electoral representation within each authority). The Fire Authority's political balance is also a reflection of that of the two local authorities. The Authority is a legal body with statutory duties and responsibilities which include:-

- (i) Providing a safe and effective operational response to meet a wide range of incidents, including fires, road traffic collisions, building collapse, water rescue, including flooding, rope rescue, hazardous materials incidents and mass decontamination, national and international rescue.
- (ii) participating in the National Resilience Programme which prepares for and responds to major emergencies and unexpected events such as natural disasters or terrorist incidents. The resources maintained to support this programme include High Volume Pumps, Mass Decontamination Equipment and hazardous materials specialists who are trained to detect, identify and monitor chemicals.

(i) **North East Combined Authority**

This body brings together the four councils which serve County Durham, Gateshead, South Tyneside and Sunderland. The ambition of the Authority is to create the best possible conditions for growth in jobs, investment and living standards, to make the North East an excellent location for business, to prioritise and deliver high quality infrastructure and to enable residents to raise their skill levels and to benefit from economic growth long into the future.

(j) **County Durham Integrated Care Board**

The Board provides system wide leadership and accountability for the delivery of integrated service models within County Durham's Health and Care economy.

Article 9 – Officers

9.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Main Functions and areas of responsibility
Chief Executive	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility (including overall management responsibility for all officers) • Overall responsibility for delivering the Council’s policies and programmes • Principal adviser to the Council on general policy • Provision of professional advice to all parties in the decision-making process • Communications and Marketing
Director for Regeneration, Economy and Growth	<ul style="list-style-type: none"> • Assets, Estates and Property Management • Assisting in the development of new products, services and processes • Attracting inward investment • Building Control • Building Design including: Architecture and Building Surveying, Mechanical and Electrical, Asbestos Management • Building Facilities and Management • CCTV and Care Connect • Construction Programme and Project Management including: Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM) • Countryside and Rights of Way • Culture and Sport Growing and learning including: Libraries, Museums and Collections, Heritage and Visual Arts • Culture and Sport Improvement and Development, Marketing, Funding and

	<p>Commissioning, Service and System Improvement and Co-ordination</p> <ul style="list-style-type: none"> • Culture and Sport Localities including: Libraries, Museum, Theatres and Leisure Centres • Culture and Sport Place and Experience including: Theatre, Performing Arts, Festivals and Events • Culture and Sport Projects and Transitions • Culture and Sport Wellbeing including: Sport, Fitness, Physical Activity, Aquatics, • Dangerous Structures • Economic Development • Economic Regeneration • Employability • External Funding and Programmes • Housing Renewal and Improvement • Housing Strategy and Policy • Integrated Transport Unit • Local Transport Planning • Management of commercial property portfolio • Mineral and Waste Applications • Parking Policy, Control and Enforcement • Planning Applications and Appeals • Prevention & Resolution of Homelessness • Project Design, Development and Delivery • Projects • Promoting enterprise • Regeneration Policy and Programmes • Strategic Spatial and Planning Policy • Strategic Tourism • Strategic Traffic Management
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Corporate Director of Adult and Health Services

Adult Care Services including:

- In-House Care Provision
- Integrated Social Work/Health Teams
- Adult Protection
- Carers
- Mental Health, Learning Disability, People with a Disability
- Sensory Support
- Personalisation
- Substance Misuse
- Commissioning Services Community Safety
- Public Health
- Environment Protection including Pollution Control, Contaminated Land, Air Quality Management, Public Health and Private Sector Housing
- Health Protection including Food Hygiene and Standards, Animal Health and Welfare, Infectious Disease Control, Safety and Occupational Health, Health and Safety (Employees)

Corporate Director of
Children and Young
People's Services

- First contact – Multi agency safeguarding hub and Emergency Duty Team
- One Point Service
- Think Family Services
- Youth Offending Service
- Corporate Parenting
- Disability services
- Children in Need
- Child Protection
- Local Authority Designated Officer (LADO)
- Aycliffe Secure Services
- Children's services reforms and quality assurance
- Community Support Service
- Supervised contact service
- Children's homes
- Looked After Services
- Fostering
- Adoption
- Independent Reviewing Officer Service
- Statutory complaints
- Pupil Place Planning
- School organisation
- School admission
- Home to school transport entitlement
- Elective home education
- Education safeguarding
- School attendance
- Progression and Learning
 - Education Business Partnership
 - Preparing for Adulthood Team
 - Careers Education, Information
 - Advice and Guidance for Young People
 - Adult Learning and Skills Service
- Support and Development
 - School and Governor support
 - Education Development services
 - Music service
 - DCC Nurseries
 - Early Years Team
 - Durham Learning Resources
- Statutory Casework
- Special Education Needs and Disability

Corporate Director of
Children and Young
People's Services
(continued)

- (SEND) and Inclusion
- SEND Information Advice and Support
- Service
- SEND Support
 - Education Psychology
 - Cognition and learning
 - Social and emotional mental health
 - Communication and interaction
 - Sensory and physical
- Equalities and Interventions
 - English as an Additional Language
 - Education Equalities
- Education Health Needs (Home and Hospital)
- Operational Support

Director for
Neighbourhoods and
Climate Change

- Allotments
- Anti-Social Behaviour
- Bereavement services
- Civic Pride
- Clean and Green including: Street Cleansing, Public Realm/ Open Space
- Community Buildings
- Community Development and Area Action Partnerships
- Community Engagement
- Community Safety – support for statutory partnerships
- Conservation, Archaeology and Ecology
- Consumer Protection including Fair Trading, Safety and Metrology, Licensing and Markets
- Corporate Policy, Planning and Improvement
- County Fleet
- Emergency Planning and Civil Contingencies
- Environment Policy
- Government Migration Programmes
- Gypsy, Roma, Traveller Services
- Highway Services including Highway Design, Construction and Maintenance, Winter Maintenance
- Maintenance, Parks and Grounds
- Neighbourhood Interventions
- Neighbourhood wardens
- Operational community safety
- Parks and Countryside
- Partnership Co-ordination and support for the County Durham Partnership
- Pest Control
- Refuse and Recycling including Waste Transfer Stations
- Strategic Highways including Drainage and Coastal Protection, Network Management, Client, Policy and Asset Management, Road Safety
- Strategic Waste including Waste Contract and Management Strategy
- Sustainability & Climate Change
- Voluntary Sector and Local Councils

Corporate Director of Resources	<ul style="list-style-type: none"> • Archives and Records • Business Services (Internal) • Coroners • Corporate Complaints, Compliments and suggestions • Corporate Procurement • Council Tax Collection & Housing Benefits (Revenues & Benefits) • Customer Services • Democratic Services • Electoral Services • Equalities, Diversity and Cohesion • Financial Management • Human Resources & Organisational Development • Information & Communication Technology • Information Management and Governance • Land Charges • Legal Services • Members' Services • Performance Management and Research Information • Registration of Births, Deaths & Marriages • Service Improvement • Service Review and Improvement
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(c) **Statutory Officers.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Corporate Director of Resources	Chief Finance Officer
Head of Legal and Democratic Services	Monitoring Officer
Head of Strategy	Scrutiny Officer
Director of Public Health	Director of Public Health

Head of Communication and Information Management	Data Protection Officer

Such posts will have the functions described in Article 9.02 – 9.07 below.

9.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

9.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will oversee investigations into complaints made under the Code of Conduct and, where appropriate, make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework, and whether any particular decision or proposed decision constitutes a key decision.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (j) **Protocol.** In carrying out their functions the Monitoring Officer will observe such protocols as shall from time to time be approved by the Standards Committee.

9.04 Functions of the Chief Finance Officer

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

9.05 Functions of the Scrutiny Officer

- (a) **Promotion of the role of the Corporate Overview and Scrutiny Management Board and its Committees** – The Scrutiny Officer will promote the role of the Corporate Overview and Scrutiny Management Board and its Committees.
- (b) **Support to Committees** – The Scrutiny Officer will provide support to the Corporate Overview and Scrutiny Management Board and its Committees, and to the Members of the Board and its Committees.
- (c) **Support and Guidance** – The Scrutiny Officer will provide support to members of the Authority, members of the Executive, and Officers of the Authority, in relation to the functions of the Corporate Overview and Scrutiny Management Board and its Committees.
- (d) **Restrictions on Posts** – The Scrutiny Officer cannot be Head of Paid Service, Monitoring Officer, or Chief Financial Officer.

9.06 Functions of the Director of Public Health

- (a) **Contributing to the Health and Wellbeing Board.** The DPH will advise on and contribute to the development of the joint strategic needs assessments and joint health and wellbeing strategies and commission appropriate services accordingly.
- (b) **Management of the Council's Public Health Services.** The DPH will have professional responsibility and accountability for the effectiveness and value for money of the Council's Public Health Services.
- (c) **Production of the annual report on the health of the local population.** The DPH will write the annual report on the health of the local population which the Council has a duty to publish.
- (d) **Responding as a responsible authority under the Licensing Act 2003.** The DPH will make representations about licensing applications.
- (e) **Management of the Council's ring-fenced public health grant.** The DPH will ensure that commissioned services meet the health needs of the population, are cost effective and that monitoring returns are accurate and timely.
- (f) **Providing Leadership, Expertise and Advice.** The DPH will provide leadership, expertise and advice to Senior Officers and Elected Members on a range of public health issues, from outbreaks of disease and emergency preparedness through to improving local people's health and concerns around access to health services.

9.07 Functions of the Data Protection Officer

- (a) To inform and advise the organisation and its employees about their obligations to comply with the General Data Protection Regulations

(GDPR) and other data protection laws.

- (b) To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
- (c) To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, residents etc).

9.08 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and Data Protection Officer

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

9.09 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer / Member Relations set out in Part 5 of this Constitution.

9.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

9.11 Functions of the Head of Internal Audit

In addition to the statutory officer posts, the Head of Internal Audit provides objective assurance on the Council's internal control arrangements (both financial and non-financial) and plays a key part in promoting good corporate governance in accordance with proper internal audit practices.

The Head of Internal Audit provides the Council with independent and objective assurance that there are strong arrangements in place for controlling its resources and for delivering its objectives. To do this, key roles include:

- (a) Formulating the internal audit strategy, charter and plan
- (b) Providing an annual audit opinion on all aspects of governance, risk management and internal control to be used as a primary source of evidence for the annual governance statement.
- (c) Championing best practice in governance, objectively assessing the adequacy of governance and management of existing risks, commenting on responses to emerging risks and proposed developments.

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Article 10 – Decision Making

10.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in these Articles.

10.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due regard to all relevant and material considerations and disregard of irrelevant considerations;
- (c) due consultation and the taking of professional advice from officers;
- (d) respect for human rights;
- (e) a presumption in favour of openness;
- (f) clarity of aims and desired outcomes;
- (g) the giving of reasons for decisions;
- (h) due regard to equality legislation; and
- (i) due regard to the need to prevent people from being drawn into terrorism.

10.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.

A key decision means an executive decision which is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to
- the Council's budget for the service or function to which the decision relates, or

- to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council
- (c) For the purposes of paragraph 10.03(b) above, the incurring of expenditure is not a key decision, if it is:-
- (i) to implement or give effect to a provision of the Council's Budget or Policy Framework and, where appropriate, for which financial provision has been made;
 - (ii) to implement nationally or provincially agreed pay awards for officers of the Council in accordance with the terms of such award;
 - (iii) expenditure incurred by the Corporate Director, Resources in the exercise of Treasury Management powers delegated to them.
- (d) For the purposes of paragraph 10.03(b) above, any decision taken for the purpose of implementing an approved plan or strategy is not a key decision if it relates to a matter for which the plan or strategy makes provision.

10.04 Decision making by the full Council

Subject to Article 10.08, the Council meeting will follow the Council Procedure Rules set out in this Constitution when considering any matter.

10.05 Decision making by the Executive

Subject to Article 10.08, the Executive will follow the Executive Procedure Rules set out in this Constitution when considering any matter.

10.06 Decision making by Overview and Scrutiny Committees

The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in this Constitution when considering any matter.

10.07 Decision making by other Committees and Sub-Committees established by the Council

Subject to Article 10.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in this Constitution as apply to them.

10.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in an administrative manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

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Article 11 – Finance, Contracts and Legal Matters

11.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in this Constitution.

11.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution and with the Procurement Code of Practice.

11.03 Legal proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or a chief officer acting under delegated powers or in any case where they consider that such action is necessary to protect the Council's interests.

11.04 External Legal Advice

No Officer shall commission legal advice from outside the Council other than the Head of Legal and Democratic Services.

11.05 Authentication of documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (b) Any contract with a value exceeding £500 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. In accordance with the Contract Procedure Rules, if a formal agreement is unnecessary it can be concluded by the sending of an award letter and the subsequent issuing of a purchase order. A formal agreement requires signature by at least two officers of the Council authorised in accordance with Paragraph 11.05(c). Where the contract is in the form of a deed it must be made under the Council's seal and attested as required by Paragraph 11.06(a) of the Constitution.
- (c) Chief Officers shall determine which persons within their service areas are authorised to sign contracts on behalf of the Council and shall notify the Head of Legal and Democratic Services of the names of those persons so authorised whose names shall be kept in a list maintained by the Head of Legal and Democratic Services.

11.06 Common Seal of the Council

- (a) The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services or some other person authorised by them.
- (b) Details of every deed and other document to which the Common Seal is to be affixed shall be entered prior to the time of its sealing or as soon as practicable thereafter by the Head of Legal and Democratic Services in a central register maintained for that purpose and the register shall be signed by the person attesting the affixation of the Common Seal.
- (c) The Common Seal of the Council may be affixed electronically in accordance with the Electronic Communications Act 2000. This is subject to the Head of Legal and Democratic Services being satisfied that proper arrangements are in place for the use and application of an electronic version of the Common Seal of the Council.

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 them 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 Chair 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.

PART 3 Delegations to Officers

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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.
8. To discharge any function of the Executive in relation to communication.

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Table 3

Delegations to the Director for Regeneration, Economy and Growth

Executive Functions

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

- Assets, Estates and Property Management
- Assisting in the development of new products, services and processes
- Attracting inward investment
- Building Control
- Building Design including: Architecture and Building Surveying, Mechanical and Electrical, Asbestos Management
- Building Facilities and Management
- CCTV and Care Connect
- Construction Programme and Project Management including: Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM)
- Countryside and Rights of Way
- Culture and Sport Growing and learning including: Libraries, Museums and Collections, Heritage and Visual Arts
- Culture and Sport Improvement and Development, Marketing, Funding and Commissioning, Service and System Improvement and Co-ordination
- Culture and Sport Localities including: Libraries, Museum, Theatres and Leisure Centres
- Culture and Sport Place and Experience including: Theatre, Performing Arts, Festivals and Events
- Culture and Sport Projects and Transitions
- Culture and Sport Wellbeing including: Sport, Fitness, Physical Activity, Aquatics,
- Dangerous Structures
- Economic Development
- Economic Regeneration
- Employability
- External Funding and Programmes
- Housing Renewal and Improvement
- Housing Strategy and Policy
- Integrated Transport Unit
- Local Transport Planning
- Management of commercial property portfolio
- Mineral and Waste Applications
- Parking Policy, Control and Enforcement
- Planning Applications and Appeals

- Prevention & Resolution of Homelessness
- Project Design, Development and Delivery
- Projects
- Promoting enterprise
- Regeneration Policy and Programmes
- Strategic Spatial and Planning Policy
- Strategic Tourism
- Strategic Traffic Management

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

1. To review decisions made by the Head of Property and Land relating to the list of assets of community value.

- 1A. In consultation with the Chair of the relevant Committee (or in their absence, the Vice Chair of the relevant Committee) and the Head of Legal and Democratic Services (or their nominated representative), to determine the following matters:
 - a) Major developments (excluding s73 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) development 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 1000m² (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;
 - b) 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;
 - c) 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.

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

2. To exercise the Council's functions in relation to housing including:
 - a) the determination of any applications for grant and/or housing assistance loans;
 - b) the exercise of the Council's enforcement powers under the legislation 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;
 - d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
3. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites, including allocation of sites, site management, rent recovery and tenant support.
4. Subject to paragraph 1A, 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 Development and Housing specifying material planning grounds on which the request is made and received by the Head of Development and Housing 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 Development and Housing 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) 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 Development and Housing, a significant impact on the environment or are by their nature particularly controversial;
5. The exercise of the Council's enforcement powers under legislation in relation to Common Land and Town and Village Greens.
 6. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
 7. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure)(England) Order 2015
 8. 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 6 above.
 9. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
 10. 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.
 11. To carry out reviews of planning permissions as required by the Habitats Directive and the Conservation of Habitats and Species Regulations 2017.
 12. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) England Order 2015.

13. To authorise the making of proposals to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations.
14. 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 planning obligations.
15. 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.
16. 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.
17. 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 relating to town and country planning and conservation.
18. To administer simple and conditional cautions in accordance with PACE and Home Office guidance to persons guilty of criminal offences under legislation relating to town and country planning and conservation.
19. Authorise the taking of default action under Sections 178 and 219 of the Town and Country Planning Act 1990.
20. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
21. To authorise applications to the Secretary of State for an order under Sections 247 and 249 of the Town and Country Planning Act 1990.
22. 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.
23. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders and to determine applications for consent under such Orders.

24. To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
25. 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).
26. 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.

27. To administer and determine complaints about high hedges and to take default action as necessary under the Anti-Social Behaviour Act 2003.
28. The obtaining of information under Section 330 of the Town and Country Planning Act 1990.
29. To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.
30. 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.
31. 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.

32. 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.

The following matters are, in addition, delegated to the Head of Corporate Property and Land:

33. 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.
34. To approve the principle of acquiring property at a price not exceeding £100,000.
35. 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.
36. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property.
37. 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.
38. 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.
39. 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.
40. 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.
41. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
42. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
43. 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.

44. 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.
45. 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.
46. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
47. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
48. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
49. 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.
50. 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.
51. All duties arising out of the establishment of the Business Improvement Districts.

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

52. 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.
53. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
54. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:
 - i) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
 - ii) allow exceptions to normal civil parking enforcement practices where appropriate

55. 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 relating to highways and road traffic.
56. To administer simple and conditional cautions in accordance with PACE and Home Office Guidance to persons guilty of criminal offences under legislation relating to highways and road traffic.
57. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
58. 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.
59. 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.
60. To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic.
61. To enter into agreements under Sections 38, 219 and 220 of the Highways Act 1980 to adopt and there after maintain highways at the public expense.
62. To enter into Section 278 of the Highways Act 1980 agreements to modify existing highways.
63. To update and amend as necessary the list of streets maintained under Section 36(6) of the Highways Act 1980

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

64. 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 legislation relating to the Councils functions in respect of Culture and Sport.
65. To exercise the Councils functions under all legislation relating to its role as Library Authority.
66. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.
67. To approve agency agreements where financial transactions are not required.

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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, commissioning, and cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.
- 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.

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.
- 2.6 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 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.
- 3.3 To provide the public with expert, objective advice on health matters.
- 3.4 To promote action across the life course, working together with council colleagues such as the Corporate Director of Adults and Health Services and with NHS colleagues.
- 3.5 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.

- 3.6 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).
- 3.7 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.
- 3.8 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
- 3.9 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.
- 3.10 To 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.

- 3.11 To seek assurance of the NHS immunisation 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.
- 3.12 To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
- 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.
- 3.14 Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.
- 3.15 To advise and contribute to the preparation of the Pharmaceutical Needs Assessment

4. The matters set out below are delegated to the Director of Integrated Community Services:

- 4.1 To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.
- 4.2 To protect and promote the welfare of vulnerable adults.

5. The matters set out below are delegated to the Head of Integrated Strategic Commissioning:

- 5.1 To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.

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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 Partnership in accordance with legislation and guidance.

Table 6

Delegations to the Corporate Director of Neighbourhoods and Climate Change

Executive Functions

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

- Allotments
- Anti-Social Behaviour
- Bereavement services
- Civic Pride
- Clean and Green including: Street Cleansing, Public Realm/ Open Space
- Community Buildings
- Community Development and Area Action Partnerships
- Community Engagement
- Support for statutory partnerships including community safety (incorporating the Prevent function), health and wellbeing, children and adults safeguarding.
- Conservation, Archaeology and Ecology
- Consumer Protection including Fair Trading, Safety and Metrology, Licensing and Markets
- County Fleet
- Emergency Planning and Civil Contingencies
- Environment Policy
- Government Migration Programmes
- Gypsy, Roma, Traveller Services
- Highway Services including: Highway Design, Construction and Maintenance, Winter Maintenance
- Maintenance, Parks and Grounds
- Neighbourhood Interventions
- Neighbourhood wardens
- Operational community safety
- Parks and Countryside
- Partnership Co-ordination and support for the County Durham Partnership
- Pest Control
- Refuse and Recycling including Waste Transfer Stations
- Strategic Highways including: Drainage and Coastal Protection, Network Management, Client, Policy and Asset Management, Road Safety
- Strategic Waste including Waste Contract and Management Strategy
- Sustainability & Climate Change
- Voluntary Sector and Local Councils

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

1. To review decisions made by the Head of Property and Land relating to the list of assets of community value.

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

2. To authorise suitably qualified and competent staff within Environmental Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the all legislation related to the Executive functions in paragraph 1 of Table 6.
3. To authorise suitably qualified and competent staff within Environmental Services to discharge the regulatory and enforcement functions of the Council related to the Executive functions in paragraph 1 of Table 6.
4. 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 related to the Executive functions in paragraph 1 of Table 6.
5. To issue simple and conditional cautions in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation relating to Executive functions in paragraph 1 of Table 6.
6. To exercise functions as Waste Collection and Disposal Authority under all legislation relating to Waste Management.
7. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relating to Executive functions listed in Paragraph 1 of Table 6.
8. To manage the Council's allotments which includes responsibility for the grant, renewal and termination of allotment tenancies.
9. 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.

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

10. 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 highways rights and deal with obstructions;
 - f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off the 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 Highway 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;
11. 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.
 12. 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 legislation relevant to the role of Head of Technical Services.
 13. 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 relevant to the role of Head of Technical Services.
 14. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relevant to the role of Head of Technical Services.
 15. To exercise the functions of land drainage and Lead Local Flood Authority.

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

16. 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).
17. 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.
18. To support and coordinate the Local Safeguarding Adults Board in accordance with legislation and guidance.
19. To support and coordinate the Local Safeguarding Children's Partnership in accordance with legislation and guidance.

The matters set out below are, in addition, delegated to the Head of Community Protection

20. 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
21. 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.
22. 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 Consumer Protection. This will include all forms of Licensing, Environmental Health, Statutory nuisance, Contaminated land, Food Safety, Consumer Protection, Trading Standards and Animal Welfare.
 23. Subject to Appendices 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.
 24. To issue simple and conditional cautions 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 Consumer Protection.
 25. 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 falling within the role of Head Consumer Protection.
 26. To authorise another local authority to institute legal proceedings in respect of alleged contraventions of legislation where related contraventions are being investigated by that authority.
 27. To grant authorisations in relation to illegal money lending and unfair trading practices.
 28. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
 29. 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.
 30. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
 31. 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.
 32. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 1, 2 and 3 to this Table.

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

Appendix 1 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 Chair or Vice Chair 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 2 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)	Licensing Sub-Committee
	Determination of application for Premises Licence where no relevant representations received	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 Chair or Vice-Chair at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application to vary Premises Licence in respect of which no representation received	Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)	Licensing Sub-Committee
	Determination of application for transfer of Premises Licence where no representations received	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)	Licensing Sub-Committee
	Reinstatement of lapsed Premises Licence where no representation is received	Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chair or Vice-Chair 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 Chair or Vice-Chair 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)	Licensing Sub-Committee
	Determination of application for provisional statement in respect of which no representations received	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 Chair or Vice-Chair 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 Chair or Vice-Chair of the Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in their absence the Central Services Manager) (Refusal to be exercised only in consultation with Chair or Vice-Chair of the Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Schedule 11 Paragraph 44	Registration of society for small society lottery	Officers
Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair 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
Schedule 12 Paragraphs 5 and 10 and 24	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)	Licensing Sub-Committee
	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Officers
Paragraph 15	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)	Licensing Sub-Committee
	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received	Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13 Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Chair or Vice-Chair of the Licensing Committee)
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Licensing Sub-Committee
	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received	Officers
Paragraph 17	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers
Schedule 14 Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Chair or Vice-Chair of Licensing Committee)
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

Appendix 3 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

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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
- Archive and Records
- Information Management and Governance
- Service review and Improvement
- Transformation Programme

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 with voluntary redundancy where there is a cost to the Council associated with the early release of pension benefits. This will be in consultation with the Cabinet Portfolio Member for Corporate Resources and Rural Issues.
- (i) 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 Councils Discretionary Housing Payments Policy
4. To establish and amend/update the Councils Welfare Assistance Scheme Policy and to administer applications and awards under the scheme.
5. To establish and amend/update the Councils 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 Councils 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 Payments 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.
7. The provision of a Welfare Rights Service and the commissioning of Advice Services, including overseeing the Advice in County Durham Partnership.
8. To exercise the budgetary control functions referred to the Corporate Director under the Council's Financial Procedure Rules.
9. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
10. To maintain an effective internal audit service.
11. To act as lead officer for the Audit Committee.
12. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
13. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement
14. To make appropriate banking arrangements on behalf of the Council.
15. To insure against risks where this is considered appropriate.

16. The operation of the Council's accounting systems and payroll.
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.
18. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
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.)
20. To write off debts.
21. To deal with the payment of Coroner's remuneration and expenses.
22. To ensure appropriate financial arrangements across the Council.
23. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
24. To authorise expenditure within the approved budget for civic hospitality.
25. To agree the terms of loans permitted under law.
26. To make a statutory declaration of local authority mortgage interest.
27. To respond to notices in relation to EU financial sanctions.
28. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
29. 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.
30. To establish and amend/update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.
31. To establish and amend / update the Councils Discretionary Rate Relief Policies and to administer applications under these schemes.

32. To establish and amend the 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.
33. 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.
34. 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.
35. To waive or reduce charges for care services in individual cases.
36. To disregard the value of a property in a financial assessment.
37. 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.
38. 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 Dependants' 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.
- (aa) To authorise land disposals at an undervalue in excess of £50,000. Disposals at an undervalue in excess of £2 million require Secretary of State approval.

People and Talent Management

- 39. To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 40. To approve the regrading of posts up to and including Head of Service level.
- 41. 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.
- 42. To determine applications for the extension of sick pay.
- 43. To approve applications for leave of absence in cases not covered by the Council's policies.
- 44. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
- 45. To approve overtime payments for employees above Grade 8.
- 46. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.

47. 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.
48. 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.
49. To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.
50. To negotiate and agree local agreements changing staff terms and conditions of employment.
51. 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:

52. 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.
53. To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act, 1985.
54. 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.
55. To approve premises for the solemnization of marriages and the registration of civil partnerships
56. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.

- 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.
- 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)
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.
- 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.
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.
62. To settle claims from staff for damage to personal property in accordance with the Council's policies.
63. In consultation with the Chair 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).

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.
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.
66. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
67. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
68. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
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).
70. In consultation with the Corporate Director of Regeneration and Local Services and the Chair and Vice-Chair 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.
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.
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.
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.
74. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.
75. To discharge the Council's functions in relation to Local Land Charges.

Head of Strategy

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

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

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.

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PART 4 Rules of Procedure

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Council Procedure Rules

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22. Appointment of Substitute Members on Council Bodies

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing

- (a) 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. This is subject to the exception shown at 1.1(b).
- (b) In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020) the requirement to hold an annual meeting will be disregarded in the year of 2020/2021 where no annual meeting will take place prior to 7th May 2021 unless where the meeting is:
 - (i) called by the Chair of the Council in consultation with the Head of Paid Services and Head of Legal and Democratic Services; or
 - (ii) following a resolution calling for an Annual meeting being passed at an ordinary or extraordinary meeting of the Council.

1.2 Business

The annual meeting will:

- (a) elect a person to preside if the Chair of the Council is not present;
- (b) elect the Chair of the Council;
- (c) elect the Vice-Chair of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chair 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.

1.3 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; and
- (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 except where 1.1(ii) applies. Where 1.1(ii) applies the programme will be decided by the Chair of the Council in consultation with the Head of Paid Service and Head of Legal and Democratic Services.

The order of business at ordinary meetings will be set out as 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 Chair of the Council, and Head of Legal and Democratic Services.

- (a) elect a person to preside if the Chair and Vice-Chair 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 Chair;
- (e) receive a report from the Leader and receive questions and answers on the report;

- (f) 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 Chair are relevant to the Council's functions;
- (h) receive petitions from the public in relation to matters which in the opinion of the Chair 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 Chair of the Council;
- (c) any 5 Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or have 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 Chair may at their 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.

The place where a remote meeting is held, or to be held could include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

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 Chair 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 Chair 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 issue a summons signed by them 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 .

Where meetings take place remotely, notice will be given by the Head of Legal and Democratic Services of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the Council website. This will be in accordance with the Access to Information Rules.

5A REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 5A(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.
- (c) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a

time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

6. CHAIR OF MEETING

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

7. QUORUM

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

7.2 Members in Remote Attendance

(a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

(b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 7.2(a) above are not met. In such circumstance the Chair may, as they deem appropriate;

- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 7.2(a) to be re-established;
- (ii) count the number of Members in attendance for the purposes of the quorum; or

- (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

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:

- (a) Does not qualify under the scheme;
- (b) It is vexatious, abusive or otherwise inappropriate;
- (c) It is a petition qualifying under another enactment;
- (d) 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 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 MEMBERS

9.6 On reports of the Executive or committees

Subject to 9.9 and 9.11, a Member of the Council may ask the Leader or the Chair of a committee any question on a report from the Executive or Committee.

9.7 Questions on notice at full Council

Subject to Rule 9.9, a Member of the Council may ask:

- (a) the Chair, a member of the Executive or the chair 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 Chair of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

9.8 Questions on notice at Committees and Sub-Committees

Subject to Rule 9.9, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

9.9 Notice of questions

A member may ask a question under Rule 9.6, 9.7 or 9.8 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 Chair 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.

9.10 One Question per Member

A Member may ask only one question under Rule 9.6, 9.7 or 9.8 except with the consent of the Chair of the Council, committee or sub-committee.

9.11 Supplementary question

A Member asking a question under Rule 9.6, 9.7 or 9.8 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.

9.12 Length of Speeches

Neither a Member asking a question under Rule 9.7 or 9.8 nor a Member answering such a question may speak for longer than three minutes each unless the Chair consents to a longer period.

9.13 Content of Questions

Questions under Rule 9.6, 9.7 or 9.8 must, in the opinion of the Chair:

- (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.

9.14 Time Allowed for Member Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 9.7 or 9.8 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 Chair shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

GENERALLY

9.15 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.

9.16 Order of questions

- (a) 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 Chair may group together similar questions.
- (b) Questions from Members received in accordance with Rule 9.7 or 9.8 will be asked in the order determined by the Chair of the Council, committee or sub-committee.

9.17 Asking the question at the meeting

The Chair 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 Chair to put the question on their behalf. The Chair 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.

9.18 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.
- (d) If when a question is put, it appears that it is beyond the remit of the Member to which it is directed, the Chair may invite the relevant Member to also provide a brief response.

9.19 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.

9.20 Reference of question to the Executive or a committee

Unless the Chair 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 Chair.

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 Chair.

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 Chair 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 Chair shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
- (c) otherwise, the Chair shall allow the mover of the motion to exercise their 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 Chair, section 151 officer and Head of Legal and Democratic Services.

10.9 Motions relating to the Executive Functions

A motion on any matter in respect of which the Executive has decision-making powers shall only be to refer the matter to the Executive for consideration.

11. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to 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 Chair will require it to be written down and handed to them before it is discussed.

12.3 Seconded'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 Chair 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 Chair, save where two items are being considered together, in which case paragraph (e) will apply.
- (c) Subject to paragraph (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 Chair.
- (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 Chair 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.

12.6 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 they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);

- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) 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 Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.8 Alteration of motion

- (a) A member may alter a motion of which they have 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 they have 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.

12.9 Withdrawal of motion

A member may withdraw a motion which they have 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.

12.10 Right of reply

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

12.11 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) 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.

12.12 Closure motions

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

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

12.13 Point of order

A member may raise a point of order at any time. The Chair 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 Chair on the matter will be final.

12.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair 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 Chair's casting vote

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

14.3 Method of Voting

Unless a recorded vote is demanded under Rule 14.4 the Chair will take the vote:

- (a) by a 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;
- (b) where an electronic voting system is not working correctly or unavailable the Chair will take the vote by roll call.

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 appointment and there is not a clear majority of votes in favour of one person 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. Nominations will be voted on without debate.

15. MINUTES

15.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting, an electronic signature can be applied as a valid signature in accordance with the Electronic Communications Act 2000. The Chair 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 Chair 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. Where the meeting is held remotely the attendance of members will be recorded by the committee services officer and included in the minutes of the meeting.

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 they must address the meeting through the Chair. If more than one member signifies their intention to speak, the Chair 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 Chair speaking

When the Chair 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 Chair by behaving improperly or offensively or deliberately obstructs business, the Chair 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 Chair 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 Chair may adjourn the meeting for as long as they consider necessary.

19. DISTURBANCE BY PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair 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 Chair 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:
 - i. at least one hour before the start of the relevant meeting unless the meeting is held remotely.
 - ii. by 12 noon one working day before the start of the relevant meeting where the meeting is held remotely.

- (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.

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Access to Information Procedure Rules

1. Scope and Access to Information

- 1.1 These rules apply to all meetings of the Council, the Executive, the Corporate Overview and Scrutiny Management Board and Scrutiny Committees, the Standards Committee and Regulatory Committees (together called meetings).
- 1.2 For all purposes of the Constitution including procedure rules, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:
- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
 - (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council’s duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 2018.

3. Rights to attend meetings and report on meetings

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules. Members of the public are also entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.
- 3.2 Reporting means:-
- filming, photographing or making an audio recording of the proceedings of the meeting;
 - using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

- 3.3 Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.
- 3.4 Members of the public are to remain seated throughout the meeting and to follow the meeting etiquette to prevent a distraction from the business in hand.
- 3.5 For meetings held in County Council Buildings, members of the public are welcome to use the Council's Wi-Fi facilities. Where meetings take place in venues not run by the County Council members of the public are advised to check with the venue whether Wi-Fi is available. Due to health and safety reasons the Council is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.

4. Notices of meeting

The Council will give at least five clear days' notice of any meeting by publishing details of the meeting on the Council website.

5. Access to Agenda and Reports before the meeting

- 5.1 The Members of the Corporate Overview and Scrutiny Management Board and Scrutiny Committees shall be provided with full copies of the agenda and reports presented to Cabinet including those containing exempt and/or confidential information.
- 5.2 The Council will make copies of the agenda and reports open to the public available for inspection on the Council website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Head of Legal and Democratic Services shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection for the time the item was added to the agenda.

6. Supply of copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Legal and Democratic Services thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. Access to Minutes etc. after the meeting

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

- (a) the minutes of the meeting [or records of decisions taken, together with reasons, for all meetings of the Executive] excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

List of background papers

8.1 The Officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Public inspection of background papers

8.2 The Council will make available for public inspection via the website for four years after the date of the meeting a link to the documents on the list of background papers.

9. Summary of Public's Rights

The written summary of the public's rights to attend meetings and to inspect and copy documents are contained in the Constitution. The Constitution is held at County Hall, Durham and available on the Council website.

10. Exclusion of Access by the Public to Meetings

Confidential information – requirement to exclude public

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

Exempt information – discretion to exclude public

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

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

Meaning of confidential information

- 10.3 Confidential information means information given to the Council by a Government Service or Agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of exempt information

- 10.4 Exempt information means information falling within the following categories (subject to any qualification)

NOTE 1 Information falling within any of paragraphs 1 – 7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Category	Qualification	Interpretation
1. Information relating to any individual	The exemption applies only if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (see note on public interest below).	

<p>2. Information which is likely to reveal the identity of an individual.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p> <p>"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986 ["registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).]; or (f) the Charities Act 1993. 	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<p>Any reference to "the authority" is a reference to the Council or, as the case may be, the</p>

negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.

"labour relations matter" means—

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"employee" means a person employed under a contract of service;

"office-holder", in relation to the authority, means the

		holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The Public Interest Test Qualification applies, as in 1 above.	
6. Information which reveals that the authority proposes— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	The Public Interest Test Qualification applies, as in 1 above.	Any reference to "the authority" is a reference to the Council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The Public Interest Test Qualification applies, as in 1 above.	
Exempt Information relating to the Standards Committee ONLY		
7A. Information which is the subject to any obligation of confidentiality	The Public Interest Test Qualification applies, as in 1 above.	

<p>7B. Information which relates in any way to matters concerning national security.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	
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NOTE 2 - The Public Interest Test

The Public Interest Test in the Freedom of Information (FOI) Act 2000 is specifically defined –

The Authority must release the information unless “in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations.

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- Does it bring to light information affecting public health and public safety?

11. Exclusion of Access by the Public to Reports

If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

12. Application of Rules to the Executive

- 12.1 Rules 13-20 apply to the Executive and its Committees (if any). If the Executive or its Committees meet to take a key decision then it must also comply with Rules 1-11 unless Rule 14 (general exception) or Rule 15 (special urgency) apply. A key decision is as defined in Article 12.03 of this Constitution.
- 12.2 If the Executive or its Committees meet to discuss a key decision to be taken collectively, with an Officer other than a political assistant present, within 28 days of the date according to the Notice of Key Decisions by which it is to be decided, then it must also comply with Rules 1–11 unless Rule 14 (general exception) or Rule 15 (special urgency) apply. A key decision is as defined in Article 12.03 of this Constitution. This requirement does not include meetings whose sole purpose is for Officers to brief Members.

13. Procedure before taking Key Decisions

- 13.1 Subject to Rule 14 (general exception) and Rule 15 (special urgency), a key decision may not be taken unless:
- 13.2 Where a decision maker (the decision making body by which, or the individual by whom an executive decision is made) intends to make a key decision, that decision must not be made until a document has been published at least 28 clear days before the making of the decision at the Council offices or on its website stating:-
- (a) that a key decision is to be made on behalf of the relevant local authority;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and

- (h) the procedure for requesting details of those documents (if any) as they become available.

13.3 Where in relation to any matter the public may be excluded from the meeting at which the matter is to be discussed or documents relating to the decision need not be disclosed to the public, the document referred to must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

14. General Exception

14.1 Where the publication of the intention to make a key decision is impracticable, that decision may only be made:-

- (a) where the proper officer has informed the chair of the Corporate Overview and Scrutiny Management Board or, if there is no such person, each member of the Corporate Overview and Scrutiny Management Board by notice in writing, of the matter about which the decision is to be made;
- (b) where the proper officer has made available at the Council offices for inspection by the public and published on the Council's website, a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

14.2 As soon as reasonably practicable after the proper officer has complied with 14.1(a)-(c) above they must make available at the council offices or publish on the Council website a notice setting out the reasons why compliance with paragraph 13 is impracticable.

15. Special Urgency

15.1 Where the date by which a key decision must be made, makes compliance with Rule 14 (General Exception), the decision may only be made where the decision maker has obtained agreement from:-

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

that the making of the decision is urgent and cannot reasonably be deferred.

- 15.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 15.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at the Council offices or publish on the Council website a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred;

16. Report to Council

When the Corporate Overview and Scrutiny Management Board can require a report

- 16.1 If the Corporate Overview and Scrutiny Management Board thinks that a key decision has been taken which was not:
- (a) published in accordance with Rule 13
 - (b) the subject of the general exception procedure; or
 - (c) the subject of the special urgency procedure.

the Board may require the Executive to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Head of Legal and Democratic Services, who shall require such a report on behalf of the Board when so requested by the Chair of the Corporate Overview and Scrutiny Management Board. Alternatively the requirement may be raised by resolution passed at a meeting of the Corporate Overview and Scrutiny Management Board.

Executive's report to Council

- 16.2 The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual member or body making the decision, and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

Quarterly reports on special urgency decisions

- 16.3 In any event the Leader of the Council will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the particulars of each decision made and a summary of the matters in respect of which each decision was made.

17. Record of Decisions

After any meeting of the Executive or any of its Committees held in public the Head of Legal and Democratic Services or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include the date it was made, a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision and in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

18. Key Decisions by Individual Members of the Executive

Reports intended to be taken into account

- 18.1 Where an individual Member of the Executive receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least 5 clear days after receipt of that report.

Provision of copies of reports to Corporate Overview and Scrutiny Management Board

- 18.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the Corporate Overview and Scrutiny Management Board as soon as reasonably practicable, and make it publicly available at the same time.

Record of individual decision

- 18.3 As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive, they will prepare, or instruct the Head of Legal and Democratic Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.

19. Corporate Overview and Scrutiny Management Board and Scrutiny Committees - Access to Documents

- 19.1 Members of the Corporate Overview and Scrutiny Management Board and the Scrutiny Committees are entitled to a copy of any documents which are in the possession or under the control of the executive of that authority; and contains material relating to:

- (i) any business that has been transacted at a **meeting** of a decision making body of that authority
 - (ii) any decision that has been made by an **individual member** of that executive in accordance with the executive arrangements
 - (iii) any decision that has been made by **an officer** of the authority in accordance with executive arrangements.
- 19.2. Where a member of an Overview and Scrutiny Committee requests a document following the definition above, the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.
- 19.3 The entitlement does not extend to a copy of any document or part of a document that contains exempt or confidential information unless that information is relevant to an action or decision that the member is reviewing or scrutinising or any review contained in any programme of work.
- 19.4 If the executive determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of the document or part of any such document, it must provide the Overview and Scrutiny Committee with a written statement stating the reasons for that decision.

20. Additional Rights of Access to Documents for Members

- 20.1 All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its Committees which contains material relating to any business to be transacted at a public meeting. Any document must be available for inspection at least 5 clear days before the meeting except:-
- (a) where the meeting is convened at shorter notice the document must be available for inspection when the meeting is convened; and
 - (b) where an item is added to the agenda at shorter notice, a document that would be required to be available must be available for inspection when the item is added on the agenda.
- 20.2 Any document which is in the possession or under control of the Executive and contains material relating to any business transacted at a private meeting, will be available for members to read through committee services, subject to 20.4 below.
- 20.3 Any document which is in the possession or under control of the Executive and contains material relating to:
- (a) any business transacted at a private meeting.

- (b) any decision made by an individual member in accordance with executive arrangements;
- (c) any decision made by an officer in accordance with executive arrangements

must be available for inspection by a member within 24 hours from when the meeting concludes or where an executive decision is made by an officer, from after the decision has been made

- 20.4 (a) The entitlement to access documents does not extend to a document:
- i) that contains exempt information unless the exemption solely relates to the financial or business affairs of any particular person: or,
 - ii) the exemption solely relates to information that reveals that the authority proposes to give under any enactment, or notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment.
- (b) Nothing in rule 20.4 (a) permits the disclosure of exempt information relating to any terms proposed by or to the authority in the course of negotiations of contract.
- (c) Nothing in these rules requires the disclosure of confidential information that breaches the obligation of confidence.
- (d) Nothing in these rules requires the disclosure of a document, or part of a document where advice had been provided by a political adviser or assistant.

20.5 Where access is restricted to a document identified in 20.2, the restriction is determined by the Leader and Cabinet on advice of the Head of Legal and Democratic Services, where an explanation would be provided to members on the restriction to access to the document, and attendance at meeting.

NOTE 3 How 20.2, 20.4 and 20.5 work in the Council:
members in normal circumstances will be able to access the report and attend meetings, however there may be occasions such as:-

- highly sensitive and complex negotiations
- significant litigation risk
- sensitive personal information where the data subject would reasonably expect such information to be restricted only to decision makers

where access would be restricted, the restriction would be determined by the Leader and Cabinet on the advice of the Head of Legal and Democratic Services, in which case an explanation will be provided to members for the restriction to access.

20.6 Nature of rights. These rights of a Member are additional to any other right they may have.

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Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

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

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) The Executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of the initial proposals. The Chair of the Corporate Overview and Scrutiny Management Board will also be notified.
- (b) At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to the consultation. If the Corporate Overview and Scrutiny Management Board wishes to respond to the Executive in that consultation process then it may do so. As the Corporate Overview and Scrutiny Management Board has responsibility for fixing its own work programme, it is open to the Corporate Overview and Scrutiny Management Board to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from the Corporate Overview and Scrutiny Management Board into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.
- (c) Once the Executive has approved the firm proposals, the Head of Legal and Democratic Services will refer them at the earliest opportunity to the Council.
- (d) Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph (e) below.
- (e) Before the Council
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or

strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

- (iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (f) Where the Council gives instructions in accordance with paragraph (e) above it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may -
 - (i) submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- (g) When the period specified by the Council, referred to in paragraph (f) above has expired, the Council must, when -
 - (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- (h) Subject to paragraph (l) below where, before 28 February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year -
 - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in

accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation; or
- (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (i) below.

- (i) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (h)(i) above, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (j) Where the Council gives instructions in accordance with paragraph (i) above it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may -
 - (i) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- (k) When the period specified by the Council referred to in paragraph (j) above has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (h)(i) above, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Executive's reasons for those amendments;

(iii) any disagreement that the Executive has with any of the Council's objections; and

(iv) the Executive's reasons for that disagreement,

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

(l) Paragraphs (h) to (k) above shall not apply in relation to -

(i) calculations or substitute calculations which the Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

(m) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

(a) Subject to the provisions of paragraph 5 (virement) the Executive, committees of the Executive, individual members of the Executive or any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

(b) If the Executive, committees of the executive, individual members of the Executive or any officers or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the

provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

(a) The Executive, a committee of the Executive, an individual member of the Executive or officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the full Council; and
- (ii) if the Chair of the Corporate Overview and Scrutiny Management Board agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the Corporate Overview and Scrutiny Management Board's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Corporate Overview and Scrutiny Management Board the consent of the Chair of the Council and in the absence of both the Vice-Chair of the Council will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council and decisions by the Executive, a committee of the Executive, an individual member of the Executive or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy or strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but

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

- (d) which relate to policy in relation to schools, where the Schools Forum agrees with the proposed change; or
- (e) for which provision is made within the relevant budget or policy.

6. Call-in of decisions outside the budget or policy framework

- (a) Where the Corporate Overview and Scrutiny Management Board is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
- (b) In respect of functions which are the responsibility of the Executive, the monitoring officer's report and/or chief finance officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Corporate Overview and Scrutiny Management Board if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Corporate Overview and Scrutiny Management Board may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 20 working days of the request by the Corporate Overview and Scrutiny Management Board. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further

action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

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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 they have served it on its Chair.

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 which includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers, known as remote meetings.

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 make available and publish on the Council website a notice of intention to hold the meeting in private.

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 make available and publish on the website a further notice of its intention to hold the meeting in private.

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 they are 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 and

publish on the Council website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

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 they are present. In their 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. The Leader 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, where the meeting is held remotely this provision is suspended.

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 the question 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 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.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will have a Corporate Overview and Scrutiny Management Board and the Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Board and such Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such Groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Members of the Executive, the Executive Support Members and the Chair of the County Council shall be eligible for appointment as Members of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

3. Co-optees

Each thematic Scrutiny Committee shall be entitled to appoint a maximum of two people as non-voting co-optees either as standing members of the Committee or on a time limited basis. The selection and nomination of co-opted members shall be in accordance with the Protocol agreed by the Corporate Overview and Scrutiny Management Board.

4. Education representatives

The Children and Young People's Overview and Scrutiny Committee in dealing with education matters shall include in its membership the following voting representatives:

- (a) 2 Church of England diocese representative;
- (b) 2 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives.

The Children and Young Peoples Overview and Scrutiny Committee is considered to be the Scrutiny Committee of the Local Education Authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Children and Young Peoples Scrutiny Committee deals with other matters,

these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

In the event of any Educational related matter being subject to Call-in, the 7 voting faith and parent governor representatives shall be invited to attend the Corporate Overview and Scrutiny Management Board that considers that Call-in.

5. Meetings of the Corporate Overview and Scrutiny Management Board and Scrutiny Committees

- (a) There shall be at least 6 ordinary meetings of the Corporate Overview and Scrutiny Management Board in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Corporate Overview and Scrutiny Management Board meeting may be called by the Chair of the Corporate Overview and Scrutiny Management Board or by the Head of Legal and Democratic Services if they consider it necessary or appropriate.
- (b) There shall be at least four meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee may be called by the Chair of the relevant Committee or by the Head of Legal and Democratic Services if they consider it necessary or appropriate.
- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees may set up ad hoc groups including non-voting co-opted members to carry out specific projects and report their findings to the appointing Board or Committee.
- (d) The Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board acting together shall be authorised to take urgent action in relation to the allocation of projects to a Scrutiny Committee or an ad hoc group following consultation with the appropriate Chair of a Scrutiny Committee.

6. Adults, Well-Being and Health Scrutiny Committee

The Adults Well-Being and Health Scrutiny Committee shall have powers to deal with routine matters within its jurisdiction subject to reporting for information to the Corporate Overview and Scrutiny Management Board. The Committee shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. In the event of a proposed referral to the Secretary of State for Health, a report shall be submitted to the County Council for information, prior to submission.

7. Quorum

The quorum for a Corporate Overview and Scrutiny Management Board or a Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

8. Who Chairs Overview and Scrutiny Committee meetings?

- (a) There shall be a Chair and a Vice-Chair of the Corporate Overview and Scrutiny Management Board and each Scrutiny Committee.
- (b) In the absence of a Chair the Vice-Chair can exercise the powers of the Chair.
- (c) The Chair and the Vice-Chair of the Corporate Overview and Scrutiny Management Board shall be entitled to attend each Scrutiny Committee as an ex-officio member.

9. Work programme

Each Scrutiny Committee will, following consultation with the Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board, set its own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

10. Agenda items

- (a) Any Member of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee. Seven working days notice of the item should be given to the Head of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Head of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (b) Any Member of the Authority shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee, providing that it is not an excluded matter. Seven

working days' notice of the item should be given to the Head of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Head of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and/or the Executive to review particular areas of Council activity. Where they do so, the Corporate Overview and Scrutiny Management Board shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Corporate Overview and Scrutiny Management Board or Scrutiny Committee within one month of receiving it.

11. Policy review and development

- (a) The role of the Corporate Overview and Scrutiny Management Board in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Corporate Overview and Scrutiny Management Board may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. Reports from the Corporate Overview and Scrutiny Management Board and Scrutiny Committees

- (a) All formal reports from Scrutiny Committees will be reported to the Corporate Overview and Scrutiny Management Board before submission to the Executive or the Council except in special circumstances with the agreement of the Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board.
- (b) Once it has formed recommendations on proposals for development, the Corporate Overview and Scrutiny Management Board will prepare a formal report and submit it to the Head of Legal and Democratic Services for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (c) If the Corporate Overview and Scrutiny Management Board cannot agree on one single final report to the Council or Executive as appropriate, one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (d) The Council or Executive shall consider the report of the Corporate Overview and Scrutiny Management Board within one month of it being submitted to the Head of Legal and Democratic Services.

13. Making sure that Overview and Scrutiny reports are considered by the Executive

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of the Corporate Overview and Scrutiny Management Board referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Executive within two months, the Executive will give an explanation of the reasons to the Chair of the Corporate Overview and Scrutiny Management Board as soon as practicable.
- (b) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees will have access to the Executive's Notice of Key Decisions and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Corporate Overview and Scrutiny Management Board following a consideration of possible policy/service developments, the Board will be able to respond in the course of the Executive's consultation process in relation to any key decision.

- (c) Where the Executive has delegated decision-making power to another individual member of the Executive the Corporate Overview and Scrutiny Management Board will submit a copy of their report to them for consideration. At the time of doing so the Corporate Overview and Scrutiny Management Board shall serve a copy on the Head of Legal and Democratic Services. The Member with delegated decision-making power must consider the report and respond in writing to the Corporate Overview and Scrutiny Management Board within four weeks of receiving it. A copy of their written response to it shall be sent to the Head of Legal and Democratic Services and the Leader. The Member will also attend a future meeting of the Corporate Overview and Scrutiny Management Board to present their response.

14. Rights of the Corporate Overview and Scrutiny Management Board and Scrutiny Committee Members to documents

- (a) In addition to their rights as Councillors, Members of the Corporate Overview and Scrutiny Management Board and the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Management Board and the Scrutiny Committees as appropriate depending on the particular matter under consideration. Indeed, the aim will be to develop a positive and constructive relationship between the Executive and the Overview and Scrutiny function.

15. Members and Officers giving account

- (a) The Corporate Overview and Scrutiny Management Board and any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) For this purpose, senior officer includes any chief officer, deputy chief officer, third tier officer and other appropriate senior officer. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- (c) Where any member or officer is required to attend the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Legal and Democratic Services. The Head of Legal and Democratic Services shall inform the member or officer, if necessary in writing, giving at least 7 working days' notice of the meeting at which they are required to attend (unless agreed otherwise). Any notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Board or Committee.

Where the account to be given to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Corporate Overview and Scrutiny Management Board or Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

16. Attendance by others

The Corporate Overview and Scrutiny Management Board or a Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17. Call-in

- (a) The Corporate Overview and Scrutiny Management Board has the power to call in decisions made by the Executive (which term shall also include a Joint Committee) but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.

- (b) When a decision is made by the Executive, an individual member of the Executive with delegated powers or under joint arrangements, notice of the decision shall be published on the Council website normally within 2 working days of being made. All Overview and Scrutiny Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- (d) Within that period:
 - (i) the Chair or, in their absence the Vice-Chair of the Corporate Overview and Scrutiny Management Board; or
 - (ii) any five members of the Corporate Overview and Scrutiny Management Board or the Scrutiny Committee within whose remit the decision falls

may sign a notice requesting that the decision is called in and submit the notice to the Head of Legal and Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution.

- (e) On receipt of the notice the Head of Legal and Democratic Services will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Corporate Overview and Scrutiny Management Board, or in the absence of both, a Chair or Vice-Chair of another Scrutiny Committee.
- (f) The Chair or Vice-Chair to whom the request is referred will consider whether the request is reasonable. They will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and Chief Finance Officer, where appropriate, in conjunction with the Scrutiny Officer, on this point.
- (g) If it is considered that the request for call-in is reasonable, the Head of Legal and Democratic Services will convene a meeting of the Corporate Overview and Scrutiny Management Board within 7 working days, after consulting the Chair of the Board about the date. The Board will then proceed as in sub-paragraph (i) below.
- (h) If the Chair or Vice-Chair to whom the request is referred considers that the request is unreasonable the decision will not be called in. The decision of the Chair or Vice Chair will be communicated to the signatories to the Call-in request within 2 working days. The Head of

Legal and Democratic Services will submit a report to the next available meeting of the Corporate Overview and Scrutiny Management Board giving details of the request and Chair's/Vice-Chair's reasons for refusing it.

- (i) Where the Corporate Overview and Scrutiny Management Board considers a call-in request, the format of the meeting will be as follows:-
- after the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
 - on matters of particular relevance to a particular electoral division, electoral division members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by 12 noon one working day prior to the relevant hearing;
 - the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
 - the relevant Corporate Director or their representative will advise the Board on the background and context of the decision and its importance to achieving Service priorities;
 - Board members will ask questions of members and officers in attendance;
 - the portfolio holder(s) will be invited to make any final comments on the matter.

The Board, after considering the evidence presented to the meeting, will make one of the following decisions:

- to take no further action, in which case the decision will take effect immediately;
- to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Board's concerns; the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Corporate Overview and Scrutiny Management Board, before making a final decisions;
- to refer the matter to full Council, in which case paragraph (k) below will apply; or

- to refer the matter to a sub group of the Board for further consideration and report back to the Board within a specified period not exceeding 14 days, in which case the Board will, at its reconvened meeting take one of the decisions set out above; if the Board does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Board meeting or the expiry of that further 14 day period, whichever is the earlier.
- (j) If, following a request for call-in, the Corporate Overview and Scrutiny Management Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to full Council, the decision will take effect on the date of the relevant Board meeting, or the expiry of that further 7 working day period, whichever is the earlier.
- (k) If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with the Council's views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (l) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

18. Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (a) that the Corporate Overview and Scrutiny Management Board may only call-in a maximum of 3 decisions per three month period;
- (b) that call-in can be invoked in respect of a decision only once;
- (c) that call in will not apply to individual decisions made by the Audit Committee, the County Planning Committee or Area Planning

Committees, the Highways Committee, the Statutory Licensing Committee, the General Licensing and Registration Committee, the Appeals and Complaints Committee, the Chief Officers' Appointments Committee, the Standards Committee or the Human Resources Committee, or any Sub-Committee of those Committees.

19. Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Council in consultation with the Chair of the Corporate Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair of the Council, the Vice-Chair's consent shall be required (again in consultation with the Chair of the Corporate Overview and Scrutiny Management Board). In the absence of both the Chair and Vice-Chair of the Council, the Chief Executive or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

20. Reports to the Local Authority where the key decision procedure is not followed

20.1 Where an executive decision has been made and:-

- (a) was not treated as being a key decision; and
- (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.

20.2 A report under paragraph 22.1 must include details of:-

- (a) the decision and the reasons for the decision;

- (b) the decision maker by which the decision was made; and
- (c) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

21. Independence

The purpose of Overview and Scrutiny is to hold decision-makers to account. Members of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee should, therefore, approach any Scrutiny process in an open manner irrespective of political allegiance.

22. Procedure at Overview and Scrutiny Committee meetings

- (a) The Corporate Overview and Scrutiny Management Board and Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the Board or Committee for a decision in relation to call in of a decision;
 - (iv) responses of the Executive to reports of the Overview and Scrutiny Board;
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee conduct investigations (e.g. with a view to policy development), the Board or Committees may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all Members of the Board or Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy;
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Board or Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

23. Councillor Call for Action

- (a) The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.
- (b) Any Member may request that an item is placed on the agenda of the Corporate Overview and Scrutiny Management Board for consideration. The Member making that request does not have to be a member of the Overview and Scrutiny Management Board or any Scrutiny Committee.
- (c) The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Corporate Overview and Scrutiny Management Board agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:
 - (i) the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
 - (ii) the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and
 - (iii) the issue of concern has a demonstrable impact on a part or the whole of the Member’s electoral divisionand accordingly information to support the above matters should accompany the Call for Action request.
- (d) A Call for Action cannot, in any event, relate to:
 - (i) a planning decision;
 - (ii) a licensing decision;
 - (iii) any matter concerning 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;
 - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Corporate Overview and Scrutiny Management Board.

- (v) any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.
- (e) If the Chair rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.
- (f) A valid Call for Action will be considered at the next ordinary meeting of the Corporate Overview and Scrutiny Management Board or at a special meeting of the Board within 14 days of validation whichever is the sooner. The Board may either decide to consider the matter itself or refer it to the appropriate Scrutiny Committee.
- (g) The subject matter of the Call for Action will be the subject of a report from the relevant Corporate Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee meeting to provide that information, make representations and answer questions.
- (h) The Call for Action will be considered by the Corporate Overview and Scrutiny Management Board or Scrutiny Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.
- (i) The Member who referred the matter under sub-paragraph (b) above may address the Corporate Overview and Scrutiny Management Board or Scrutiny Committee in respect of the Call for Action for up to 10 minutes.
- (j) The Corporate Overview and Scrutiny Management Board or Scrutiny Committee may also consider representations from any residents of the electoral division affected by the Call for Action, subject to the discretion of the Chair.
- (k) If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Corporate Overview and Scrutiny Management Board or Scrutiny Committee to answer questions and make any representations.

24. Reports and Recommendations on Calls for Action

- (a) Where the Corporate Overview and Scrutiny Management Board or Scrutiny Committee makes a report or recommendations to the Council or the Executive as a result of a reference under paragraph 22 above, the Corporate Overview and Scrutiny Management Board or Scrutiny Committee may publish the report, subject to the provisions of Part 5 of

the Local Government Act 2000 (as amended) in relation to confidential or exempt information.

- (b) The Corporate Overview and Scrutiny Management Board or Scrutiny Committee will, by notice in writing to the Head of Legal and Democratic Services, require the Council or Executive:
- (i) to consider the report or recommendations,
 - (ii) to respond to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee indicating what, if any action the Council or Executive proposes to take,
 - (iii) if the Corporate Overview and Scrutiny Management Board or Scrutiny Committee has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information,
 - (iv) if the Corporate Overview and Scrutiny Management Board or Scrutiny Committee provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information,

and to do so within two months of the date when the Council or Executive received the report or recommendations or (if later) the date when the Head of Legal and Democratic Services received the notice.

25. Scrutiny of Crime and Disorder Matters

- (a) The Safer and Stronger Communities Scrutiny Committee may make a report or recommendations to the Council with respect to any local crime and disorder matter in relation to a Member of the Council.

(NOTE - A local crime and disorder matter in relation to a Member means any matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment);
- the misuse of drugs, alcohol or other substances which affects all or part of the Member's electoral area (or any person who lives or works in that area)).

- (b) Any Member of the Council may give notice to the Head of Legal and Democratic Services that they wish an item which they consider to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Safer and Stronger Communities Scrutiny Committee.
- (c) On receipt of the request, the Head of Legal and Democratic Services will ensure that the item is included on the next available agenda for consideration by the Safer and Stronger Communities Scrutiny Committee.
- (d) Sub-paragraphs (g) to (k) of paragraph 23 above shall apply to the consideration of a crime and disorder matter by the Safer and Stronger Communities Scrutiny Committee as they apply to the consideration of a Call for Action by the Corporate Overview and Scrutiny Management Board or relevant Scrutiny Committee.
- (e) If the Safer and Stronger Communities Scrutiny Committee decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.
- (f) Where the Committee makes a report or recommendations to the Council it must:
- (i) provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
 - (ii) provide a copy of the report or recommendations to such of:
 - the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
 - the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);as it thinks appropriate.
- (g) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph (f)(ii) above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:
- (i) consider the report or recommendations;

- (ii) respond to the Safer and Stronger Communities Scrutiny Committee indicating what (if any) action it proposes to take;
 - (iii) have regard to the report or recommendations in exercising its functions.
- (h) For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Safer and Stronger Communities Scrutiny Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every 12 month period.
- (i) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

26. Consideration of requests to review how a petition has been dealt with under the Petitions process.

- (a) Whilst there is no automatic right of review as to how a petition has been dealt with within the Council's petitions process, if a petitioner feels that we have not dealt with their petition properly, the petition organiser may request that the Council's Corporate Overview and Scrutiny Management Board review the response to the petition. The request should be accompanied by a short explanation of the reasons why the Council's response is not considered to be adequate.
- (b) The Chair of the Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Scrutiny Officer will determine if the request is believed to merit consideration at the Corporate Overview and Scrutiny Management Board or the appropriate Overview and Scrutiny Committee.
- (c) If the request to review the Council's determination of the petition is agreed the Corporate Overview and Scrutiny Management Board or the appropriate Overview and Scrutiny Committee will endeavour to consider the request at the next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.
- (d) Should the Board / Committee determine that we have not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making

recommendations to the Council's Executive or referring the matter for consideration by full Council.

- (e) Once a request to review the petition response has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the council's website.
- (f) Full details of the review mechanism can be found within the Council's petitions process, which can be found on the Council's website.

Financial Procedure Rules

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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.
- 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, they shall raise the issue with the Chief Finance Officer who will, if they consider it 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 their 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 they 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 their 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 they desire.

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 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) 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 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 basic duties of the external auditor are governed by 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 Controller and Auditor General. 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 their 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 them 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 their 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. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They 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

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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:

- (a) The term “Chief Officers” refers to the Council’s Chief Executive, Corporate Directors and the Director of Transformation and Partnerships.
- (b) 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.
- (c) In addition to the above definitions, the general term “officer” refers to any employee of the Council.

1.1.3 The CPRs 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”).

1.1.5 These CPRs observe the requirements of UK legislation namely the Public Contracts Regulations 2015 (PCRs), in addition to ongoing amendments and updates as issued by the Cabinet Office in the form of Procurement Policy Notes.

2. BASIC PRINCIPLES

2.1 All procurement procedures must:

- (a) Realise value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome,
- (b) Be consistent with the highest standards of integrity,
- (c) Operate in a transparent manner,
- (d) Ensure fairness in allocation of public contracts,
- (e) Support all relevant Council priorities and policies including the Medium Term Financial Plan,

- (f) Comply with the Council's Procurement Strategy, the Social Value Policy and Sustainable Buying Standards, and:
- (g) Comply with all legislative requirements including European Union (EU) Treaty principles, which in relation to procurement are as follows:
 - (i) transparency - contract procedures must be transparent and contract opportunities should generally be publicised;
 - (ii) equal treatment and non-discrimination - potential suppliers must be treated equally;
 - (iii) proportionality - procurement procedures and decisions must be proportionate;
 - (iv) mutual recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.
- (h) 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 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:

- (a) Have regard to the guidance in the Advice Centre,
- (b) Keep the records required by Rule 18 of these CPRs,
- (c) Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- (d) Prior to letting a contract on behalf the Council, check whether:
 - (i) the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
 - (ii) 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.

- (e) 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:

- (a) Ensure their Service Grouping complies fully with the requirements of these CPRs,
- (b) 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 18,
- (c) 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;
- (b) Statutory fees payable
- i. to the Driver & Vehicle Licensing Agency and/or Drive & Vehicle Standards Agency (formerly VOSA);
 - ii. to the Disclosure & Barring Service;
 - iii. to the Care Quality Commission under section 85(1) of the Health and Social Care Act 2008;
 - iv. set by government for education or inter-agency adoption funding;
 - v. to Ofsted for the inspection of a school, children’s home, or other facility,
 - vi. for TV licenses in Council owned or operated premises;
 - vii. for 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;
 - viii. to NHS Business Services Authority for prescription charges.
- (c) Fees payable to Public Health England with respect to the Child Death Notification Service;
- (d) Contracts for the carrying out of statutory public health funerals under the Part 3 of the Public Health (Control of Disease) Act 1984;

- (e) Contracts for the purchase of broadcasting time, including for the placing of radio and television advertising;
- (f) Contracts to provide sponsorship to events, awards schemes, or other promotional activity being organised by a third party;
- (g) Fees payable in advance on an annual basis for publications, access to online information and membership fees, only delivered by the publishing body, and membership fees of a recognised industry body membership programme.
- (h) Contracts for actors or performers to meet the specific requirements of an artistic, cultural, or performing arts event being organised by the council;
- (i) Contracts of employment which make an individual a direct employee of the authority;
- (j) 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.

- (k) 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;
- (l) Payments for legal advice given by a lawyer, or other expert opinion requested, in preparation for, or connected to, any of the proceedings mentioned in (j) above;
- (m) 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;
- (n) 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;
- (o) Fees payable to Durham Constabulary to cover the cost of additional policing presence at public events or for temporary public safety purposes;
- (p) Appointment of independent planning inspectors nominated by the Royal Institute of Chartered Surveyors (RICS) under the NPIERS scheme;

- (q) Fees payable to a qualification awarding body for a professional or vocational qualification being undertaken by a Council Officer with the support of the Council;
- (r) Accreditation and membership, fees payable to an awarding or professional body for the accreditation or certification, or fees for services required to undertake a service being provided by the Council;
- (s) Fees payable for Royal Mail postage, including franking machine credits, and for financial transaction services required by the Council;
- (t) Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:
- (u) 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.

- (v) Where the Council is providing a payment processing facility to a non-profit body, and where this does not make the Council the accountable body for the contracts or transactions in question.
- (w) Payments for services with regard to high needs or special education (including maintained schools Communities of Learning and Behaviour Panels), social care, health, safeguarding, 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.
- (x) 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 and safeguarding. 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:

- (a) The supply or disposal of goods,
 - (b) The hire, rental or lease of goods and equipment,
 - (c) 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 Projects of strategic importance, high value, or complexity require appropriate risk assessments to be undertaken, in line with Corporate Risk Management. The project risk assessment must be undertaken by the Service Area. Any procurement activity risks will be managed through the Council's procurement processes. The project risk assessments will identify where further specialist advice should be sought
- 7.2 In order to ensure the Council meets its duties under the Public Services (Social Value) Act 2012, there must be an appraisal of the opportunities to address social value outcomes through the proposed procurement, which may include a separate social value opportunity assessment.
- 7.3 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 may should seek to consult the potential suppliers 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.
- 9.1.5 The procurement process and approach set out in 9.1.2 can be varied on an exception basis if it is consistent with an approach permitted by a Cabinet Office Procurement Policy Note and this is approved by a Procurement Officer in advance of any approach to market.

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 including cases where technical compatibility is required with an existing requirement that has been previously competitively procured;

(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: 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 18.3.

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 Where Quick Quotes are used the service area must identify 2 organisations to be invited to the Quick Quotes competition issued via the Council's e-tendering system.
- 10.4 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 Public Contract Regulations 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.
- 10.5 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

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 quotations 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 Service staff. 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:

- (a) 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:
- (b) 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:

- (a) Offers the lowest price, or:
- (b) 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:

- (a) Essential Criteria – assessed on a pass / fail basis, or:
- (b) 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 to 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 15.2.1 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

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:

- (a) 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.
- (b) 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.
- (c) 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:

- (a) 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:
- (b) 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:
 - (i) 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,
 - (ii) 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:

- (a) Any proposed contract details including value
- (b) Selection decision
- (c) Justification for use of the selected procedure
- (d) Names of bidding organisations, both successful and unsuccessful
- (e) Reasons for selection
- (f) 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 additional budget. This must be authorised via the Services Principal Accountant, and recorded with an appropriate Delegated Decision Record.
- 21.4 Contract management, monitoring, evaluation and review must be conducted in line with any guidance detailed in the Advice Centre.

22. INTERNAL PROVIDERS

- 22.1 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.
- 22.2 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 and 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.
- 23.4 Where a Service is bidding for external funding, they must seek advice from Corporate Procurement before including a third-party supplier in their bid application.

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.

Officer Employment Procedure Rules

1. Recruitment and appointment

- 1.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have **any** relationship with any councillor or officer of the Council;
- 1.2 No candidate so related to a Councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by the Chief Officer.
- 1.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.4 No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Chief Executive and Chief Officers

Where the Council proposes to appoint a Chief Executive or a chief officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement including the following:
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the procedures mentioned in paragraph (1) to be sent to any person on request.

3. Appointments and Dismissals

- 3.1 In this paragraph –

“the Committee” means the Chief Officer Appointments Committee.

“Statutory Officers” means the Head of Paid Service, the Chief Finance Officer, the Monitoring Officer and the Data Protection Officer.

“the proper officer” means the Head of Legal and Democratic Services

“relevant independent persons” means any independent person who has been appointed by the authority under s28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

- 3.2 The appointment and dismissal of the Chief Executive, Chief Officers and any assistant for political groups (appointed in pursuance of Section 9 of the Local Government Housing Act 1989) is the responsibility of the Committee, subject to paragraph e) which sets out the procedure to be followed for the dismissal of a Statutory Officer as defined in this Paragraph.
- 3.3 At least one member of the Executive must be a member of the Committee.
- 3.4 Where the Committee is proposing to appoint the Chief Executive, the County Council must approve that appointment before the offer of appointment is made.
- 3.5 The Committee shall not make an offer of appointment in relation to any of the Statutory Officers (apart from an assistant for political groups) until;
 - (a) The Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
 - (b) The proper officer has notified every member of the Executive of the authority of:
 - (i) The name of the person to whom the Committee wishes to make the offer;
 - (ii) Any other particulars relevant to the appointment which the Committee has notified to the proper officer; and
 - (iii) The period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
 - (c) Either:
 - (i) The Executive Leader has, within the period specified, notified the Committee that neither they nor any other member of the Executive has any objection to the making of the offer;
 - (ii) The proper officer has notified the Committee that no objection was received by them within that period from the Executive Leader; or
 - (iii) The Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

- 3.6 A Statutory Officer may not be dismissed unless the following procedure is complied with;
- (a) The Council must invite relevant independent persons to be considered for appointment to the Committee, with a view to appointing at least two such persons to the Committee.
 - (b) The Council must appoint to the Committee such relevant independent persons who have accepted an invitation issued in accordance with the following priority order
 - (i) A relevant independent person who has been appointed by the Council and who is a local government elector
 - (ii) Any other relevant independent person who has been appointed by the Council
 - (iii) A relevant independent person who has been appointed by another authority or authorities.
 - (c) The Council is not required to appoint more than two relevant independent persons but may do so.
 - (d) The Committee must convene at least 20 working days before a meeting of the Full Council to consider whether or not to approve a proposal to dismiss a statutory officer.
 - (e) Before the taking of a vote at a meeting of the Full Council on whether or not to approve such a dismissal, the Council must take into account, in particular –
 - (i) Any advice, views or recommendations of the Committee;
 - (ii) The conclusions of any investigation into the proposed dismissal; and
 - (iii) Any representations from the Statutory Officer
 - (f) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.
- 3.7 Notice of the dismissal of an officer named in (a) above must not be given by the Committee until –

- (a) The Committee has notified the proper officer of the name of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal;
- (b) The proper officer has notified every member of the Executive of the Authority of:
 - (i) The name of the person who the Committee wishes to dismiss;
 - (ii) Any other particulars relevant to the dismissal which the Committee has notified to the proper officer; and
 - (iii) The period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
- (c) Either –
 - (i) The Executive Leader has, within the period specified, notified the Committee that neither they nor any other member of the Executive has any objection to the dismissal;
 - (ii) The proper officer has notified the Committee that no objection was received by them within that period from the Executive Leader; or
 - (iii) The Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

3.8 Where a member of the Executive attends the Committee set up to deal with a particular appointment or dismissal then such attendance shall constitute notice of and compliance with the requirements of 3.5 and 3.6 above.

4. Director of Public Health

4.1 The appointment of the Director of Public Health who is appointed in pursuance of Section 73A(7) of the National Health Service Act 2006 (inserted by section 30 of the Health and Social Care Act 2012) is the responsibility of the Chief Officer Appointments Committee acting as the Advisory Appointments Committee, subject to the approval of the appointment by the Secretary of State for Health.

4.2 The Committee will be chaired by the cabinet member of the Health and Wellbeing Board and also include the following

- (a) An external professional assessor appointed after consultation with the Faculty of Public Health and agreed by Public Health England;
- (b) The chief executive of the Council or their nominated deputy;
- (c) Senior NHS representation;

- (d) The Public Health England Regional Director, or another senior professionally qualified member of Public Health England acting on their behalf;
- (e) And in the case of appointments to posts which have either teaching or research commitments, or both, the committee should also include a professional member nominated after consultation with the relevant university.

4.3 Under the current Faculty of Public Health guidance, the overall balance on the Committee is required to have a local and a professional majority.

4.4 The Council is required to seek advice and recommendations from Public Health England on the membership of the Committee, including the assessor. It is for the council to decide whether both a medical assessor and non-medical assessor are required.

4.5 Assessors must be geographically distant and will normally be from outside the area of the Public Health England Unit where the post is being advertised to maximise objective assessment.

4.6 The Council will advise the Secretary of State for Health of their preferred candidate and confirmation of their professional competence, compliance with statutory regulation and necessary registration to undertake the role.

4.7 The Advisory Appointments Committee may terminate the appointment of the Director of Public Health following prior consultation with the Secretary of State for Health.

5. Other Officers

5.1 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive or their nominee, and may not be undertaken by councillors.

5.2 Councillors will not be involved in disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

6. Disciplinary Action

6.1 In this paragraph –

“disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill-health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

6.2 **Written Procedures**

- (a) Disciplinary action against Chief Officers and against the Data Protection Officer and the Monitoring Officer will be taken in accordance with the County Council's Chief Officer Procedures, subject to paragraph 1(e).
- (b) Disciplinary action against all other officers will be taken in accordance with the County Council's Local Disciplinary Policy Procedure and Toolkit.

6.3 **Suspension**

An officer named in 5.1 above and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

7. **Appeals**

None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal by:

- (a) any person against any decision relating to the appointment of that person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the member of staff has less than six months' notice – in these instances the appeal shall be conducted by a senior officer.

8. **Appointment of Political Assistants**

For the purposes of Section 9(2)(d) of the Local Government and Housing Act 1989 (the 1989 Act):

- (a) no appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the groups which qualify for one;
- (b) no political group shall be allocated a post unless it qualifies for one under the 1989 Act; and
- (c) no political group shall be allocated more than one post.

PART 5 Codes and Protocols

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CODE OF CONDUCT FOR MEMBERS

The County Council of Durham Code of Conduct for Members

1. The County Council of Durham (“the Council”) has adopted the following code which has effect from 24 March 2021 and will be reviewed annually. The Code which sets out the conduct that is expected of elected and co-opted members of the Council when they are acting in that capacity.
2. This means the code applies whenever you:
 - (a) conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.
3. ‘Co-opted member’ means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members

Part 1 – General Conduct

4. Members and co-opted Members of Durham County Council (“the Council”) are expected to undertake their duties as follows:
 - 4.1 Represent the community and work constructively with employees and partner organisations to ensure the area is a safer place to live, work and visit.
 - 4.2 Behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Council:
 - (a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family or friends;
 - (b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
 - (c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and

benefits;

- (d) **Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
- (e) **Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands;
- (f) **Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** promote and support these principles by leadership and example.

4.3 Act in accordance with the principles in paragraph 4.2 and, in particular:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them - and put the public interest first;
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially;
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Council or the good governance of the Council in a proper manner;
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member / Co-opted Member of the Council;
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
- (f) Be accountable for decisions and cooperate when scrutinised internally and externally, including by local residents;

- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside;

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Members should express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack.

Members should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. Members equally have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Members may stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where appropriate action could then be taken under the Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's relevant protocols;

- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

- (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.

- (n) Not to bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public;
- (o) To hold the local authority and fellow Members to account and constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

4.4 It is expected that Members will at all times comply requests as part of Code of Conduct investigations and any arising outcomes. Members will not submit malicious or trivial complaints.

4.5 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

Part 2 - Registration of interests

Register of Interests

5.1 Members must:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that they are obliged to declare under the Localism Act and associated regulations; and

- (b) register any body of which they are a member (or in a position of general control or management) to which you were appointed or nominated by the Council; and
- (c) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- (d) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Monitoring Officer at Durham County Council. Members must ensure they keep the register updated and acknowledge that its contents will be published on the Authority's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

If Members are present at a meeting of the Authority and:

- (a) they are aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register

they may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; and they must leave the room where the meeting is held while any discussion and or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

7.1 If Members are present at a meeting of the Authority and:

- (a) aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**
- (b) the interest is not entered in the Authority's register,

they must disclose the interest to the meeting. Furthermore, they may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and must leave the room where the meeting is held while any discussion and or voting takes place.

7.2 If an interest referred to in 5.1(a) above is not entered on the Authority's register and is not the subject of a pending registration, Members must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 Members with the power to discharge an Authority function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:

- (a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); **and**
- (b) if the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

8. Sensitive Interests

8.1 This applies to a situation where a Member considers that the disclosure of the details of your interest – including that of your spouse or partner – could lead to you, or a person connected with you, being subject to violence or intimidation.

8.2 In such circumstances you should share your concerns with the Council's Monitoring Officer. If the Monitoring Officer agrees with you, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that you had registered an interest the details of which had been withheld under Section 32 of the Localism Act 2011.

8.3 If the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.

8.4 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.

9. **Other Relevant Interests**

9.1 Members may have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 5.1(b), 5.1(c) or 5.1(d) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority's administrative area; **and**
- (b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

9.2 Where a member has an Other Relevant Interest in an item of business as described in 9.1, the member shall declare it at the earliest opportunity. The member may make a representation on the item but will not be permitted to participate in any discussion or vote taken on the matter at the meeting. The member must leave the meeting once the representation has been made to avoid influence on those making the decision.

10. **Gifts and Hospitality**

10.1 Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.

10.2 The Monitoring Officer will place any notification received under paragraph 10.1 on a public register of gifts and hospitality.

10.3 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

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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 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 Probity 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 their 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 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 Where a member has a Disclosable Pecuniary 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 meeting 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 Where a member has an Other Relevant Interest in an item of business, the member shall declare it at the earliest opportunity. The member may make a representation on the item but will not be permitted to participate in any discussion or vote taken on the matter at the meeting. The member must leave the meeting once the representation has been made to avoid influence on those making the decision.
- 3.4 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 they 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 they 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 save for those instances set out at paragraph 3.3 above.
- 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 as a member of the parish council, they have 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 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, 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 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 their position.
- 6.7 If a member of the Planning Committee identifies themselves with a group or individual campaigning for or against an application, they 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 Planning Committee meeting shall not be used to decide how members should vote at the meeting.

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 their report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with their 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 their 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 make 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 their 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 officers 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 Chair 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 Chair 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 their representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning, the Chair 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 their 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 Chair 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 meeting and make representations at the meeting. 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 two working days before the Committee Meeting to allow technical arrangements to be put in place. Persons registering their intention to speak after this time will only be permitted to speak at the discretion of the Chair.
 - (b) Ward Members and the Parish/Town Council representative will be afforded an appropriate amount of time (at the discretion of the Chair) 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 Chair) 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 and for this to be agreed in advance of the meeting where possible
 - (c) At the meeting the Officer will present their 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 their 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.

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Highways Committee Representation Procedure

1. Wherever possible, objections or representations on Orders or Applications should be made in writing. Representations or objections received will be summarised and reported to the Highways Committee. Members of the Committee will be given the opportunity to inspect all letters received before the decision on the Application or Order is made.
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 at the Committee meeting. 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 meeting and make representations at the meeting. 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 two working days before the Committee Meeting to allow technical arrangements to be put in place. Persons registering their intention to speak after this time will only be permitted to speak at the discretion of the Chair.

- (b) Ward Members and the Parish/Town Council representative will be afforded an appropriate amount of time (at the discretion of the Chair) 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 Chair) to address the Committee. In the event that more than one person wishes to speak for or against the Order or Application, the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson and for this to be agreed in advance of the meeting where possible .
- (d) At the meeting the Officer will present their 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 their 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/ or Order.
- (j) The Committee will proceed to debate the Application or Order and make a decision. The minute will include the reasons for that decision.
- (k) New documents should not be circulated to the Committee; Members 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.

Submission of Documentary Evidence for Village Green matters

- 3. (a) The Council will allow an applicant at least 28 days to respond to any objection the Council receives in response to the application. Once the period of 28 days has elapsed the council may arrange for the Highways Committee to consider the application.
- (b) If the Highways Committee is satisfied that it has sufficient evidence to grant or reject the application it may make a decision having given Interested Parties the opportunity to make representations in accordance with the procedure set out above.
- (c) The Committee may in its discretion resolve that a Public Inquiry be held and the Inspector's recommendations be requested before the Committee makes a final determination.
- (d) The period for submitting evidence in support of or in opposition to the application will end 28 days after any objections have been sent to the applicant or at the end of the Objection period if no objections are received unless the Chair of the Highways Committee exercises discretion to permit late evidence.

Code of Our Values, Behaviours and Conduct

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2 Introduction

At Durham County Council we are all committed to delivering excellent services to the people of County Durham and our employees are key to this commitment. Everyone who uses council services is entitled to expect the highest standards of conduct from council employees and we are all responsible for improving life for local people by delivering high quality services.

We have developed a clear set of values and behaviours around what is important to us as a council and they apply to all employees. Our values are at the heart of everything we do and ensure that we do the right things in the right way and our behaviours have been designed to support and embed these values.

In addition to our values and behaviours it is important that we have standards of conduct to help guide us all in our behaviour and actions at work.

This Code explains our values, sets out the responsibilities we all have, and the standards of behaviour that are expected of us. It is vital that we are all familiar with and understand this Code and the supporting council policies and guidance.

We are a team and we are all responsible for the quality and integrity of the services we provide. This Code together with the supporting council policies has been developed to ensure that we are all clear re: the council's values and our individual responsibilities so that in turn the people of County Durham can be confident that they are receiving an excellent standard of service.

At Durham County Council we are committed to delivering excellent services to the people of County Durham within the resources we have available and our values reflect this commitment.



3 Our values

The council values are at the heart of everything we do. They are the guiding principles that define our culture and commitment to the highest standards of behaviour.



Our values are supported by the council’s behaviour framework which sets out clear expectations in terms of the core behaviours for all employees. Managers and leaders have supplementary behaviours within the framework to reflect their additional responsibilities.

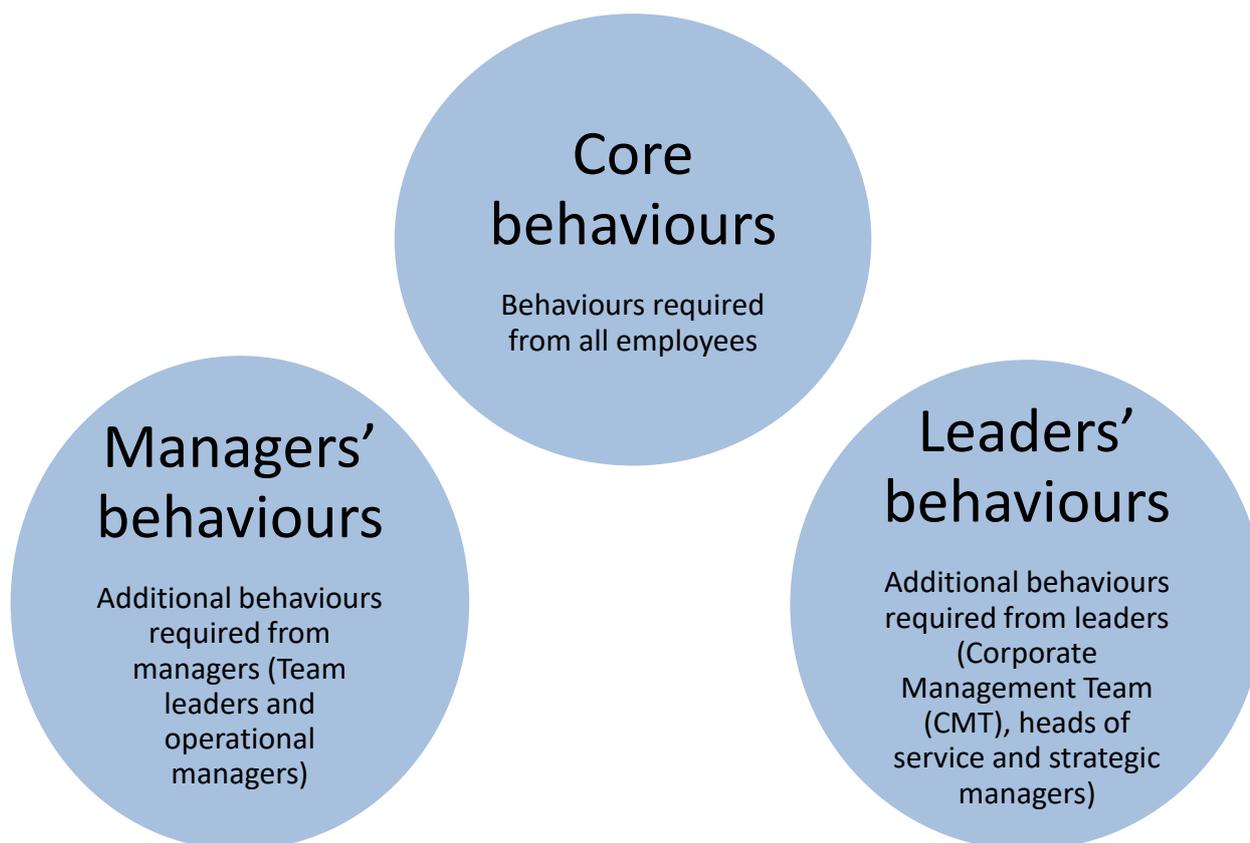
Our values and behaviours are therefore an intrinsic part of the council’s Code of Our Values, Behaviours and Conduct.

The behaviour framework includes behavioural examples that we expect our employees to display every day to achieve the expected standards of performance. The behaviours demonstrate the approach we take to our work including:

- How we do things;
- How we treat others;
- What we say and how we say it;
- How we expect to be treated;
- How we work together;
- Our approach to work.

By demonstrating the behaviours, we can provide the best possible service to our people and communities and create a great place to work.

4 The behaviour framework and core behaviour



One Council: Core values and behaviours

I will...

- ✓ Contribute to Council, service and team objectives
- ✓ Try to find solutions to problems and issues
- ✓ Make the best use of council resources
- ✓ Share information and work effectively with others to get things done
- ✓ Help people to access council services in different ways
- ✓ Be flexible and use my skills to help and support others



We work together to achieve the best for people

I won't...

- ✗ Speak about the Council, my colleagues, partners or the public in a negative way
- ✗ Focus on problems instead of solutions
- ✗ Blame others when things go wrong
- ✗ Leave people to deal with difficult situations when they need help

- ✓ Provide a customer focused service to people both internal and external
- ✓ Respect and value differences
- ✓ Achieve results within agreed timescales and keep people updated on progress
- ✓ Actively listen so I understand people's needs
- ✓ Communicate clearly and appropriately with others
- ✓ Care about my own and others health, safety and wellbeing
- ✓ Protect the confidentiality and security of information



We put people and communities at the heart of everything we do and value our employees

- ✗ Make decisions or act without considering the needs of others
- ✗ Act in a way that puts others health, safety and wellbeing at risk
- ✗ Ignore, exclude or treat people unfairly
- ✗ Avoid ownership by passing people around the Council or by not responding enquiries

- ✓ Take ownership and be accountable for my own actions and performance
- ✓ Seek opportunities to learn and develop
- ✓ Share my skills and knowledge with others
- ✓ Act on feedback and learn from mistakes
- ✓ Challenge inappropriate behaviour and attitudes
- ✓ Show appreciation and give praise and recognition to others
- ✓ Influence others through my positive behaviours



We value, trust and support each other

- ✗ Ignore the impact my actions or behaviour has on others
- ✗ Forget to say thank you to others for their contribution
- ✗ Be reluctant to learn new things
- ✗ Ignore feedback and keep on making the same mistakes

- ✓ Identify better and more effective ways to deliver services
- ✓ Be prepared to take on new challenges
- ✓ Adapt smarter working practices and new ways of working
- ✓ Think creatively and share ideas for improvement
- ✓ Be open to change



We embrace change and look for better ways to deliver services

- ✗ Discourage ideas and suggestions for new ways of doing things
- ✗ Say 'this is the way we have always done it'
- ✗ Change things without thinking it through
- ✗ Be unwilling to do things differently

5 Our responsibility and commitments

We all have responsibilities and commitments as employees of the council. Some responsibilities and commitments, such as applying the council values, meeting the competencies required for your role and adhering to your contract of employment apply to everyone whereas others are specific to your level of responsibility in the council.

It is your responsibility to familiarise yourself and comply with this Code and all relevant council policies and procedures. If you are in any doubt about your responsibilities you must seek clarification from your manager.

5.1 Working with the public, service users and colleagues

You must:

- follow the council Customer Services Charter and Standards when dealing with service users in order to ensure the delivery of services as efficiently and effectively as possible;
- be polite, courteous and helpful when dealing with all members of the local community, service users and colleagues;
- treat all groups and individuals with respect, value their opinions and beliefs and behave in an appropriate manner;
- treat others in a fair and equitable manner in accordance with the council's Equality Policy and the wider requirements of the law;
- keep all service users' money, personal records, information and correspondence secure in accordance with council policies and procedures, and the General Data Protection Regulations.

5.2 Individual responsibilities

As an employee of the council, you are expected to conduct yourself to the highest standards and act with honesty, integrity and professionalism.

You must:

- carry out the full requirements of your role, as detailed in your contract of employment (statement of particulars), job description and within council policies and procedures;
- complete all mandatory training as required;
- give the highest possible standard of service to the people of County Durham and provide appropriate and impartial advice;
- raise issues – if you have any concerns don't be afraid to speak up;
- act in an appropriate manner in any situation where you can be readily identified as a council employee, whether at work or otherwise;
- contribute to maintaining a safe and healthy working environment;
- report any concerns or suspicions you have to your manager or the Chief Internal Auditor and Corporate Fraud Manager;
- declare any relevant interest, outside employment or receipt of gifts or hospitality as outlined in this Code;
- maintain professional relationships with councillors, employees, contractors or partners, potential contractors and/or service users.

5.3 Leader and manager responsibilities

Those with leadership roles have additional responsibilities. Whether you are a team leader, manager or head of service you should:

- set a positive personal model of behaviour;
- ensure that standards in the Code are established and communicated;
- provide clarification, where required, to improve employee understanding;
- take appropriate action at the earliest opportunity to manage non-compliance with the standards set out in this Code;
- promote a safe and healthy working environment;
- maintain a culture that is free from bullying, discrimination and harassment where everyone is treated with respect and dignity and individual contributions are welcomed and acknowledged.

6 Other responsibilities

6.1 Confidentiality and keeping council information secure

Maintaining confidentiality of sensitive information is essential and all employees are under an obligation to comply with Data Protection legislation. The General Data Protection Regulations is the most significant update of data protection laws in the last two decades and deals with appropriate protection of personal and special category data/information.

You must ensure that you save, store, share and retain information in line with corporate policies and guidelines and treat all information you receive in the course of your employment as confidential to the council. Employees are only permitted to disclose confidential information where it is required by law or where the council has agreed to do so. If you are unsure you must consult your manager before any disclosure is made.

As the council moves towards smarter ways of working and more open office environments shared by different teams, the highest levels of confidentiality will be required. We need to respect others to undertake their work and to maintain privacy and confidentiality.

The use of information to further private interests or the deliberate disclosure of confidential information may be considered gross misconduct and may result in dismissal under the council's Disciplinary Procedure. It may also be a criminal offence and lead to criminal proceedings.

You must not compromise the security of council information, for example by installing unauthorised software, inappropriately securing information or interfering with standard security settings. Under no circumstances should you use council information or facilities for unauthorised personal use, improper or commercial gain or for fraudulent or malicious activities.

6.2 Internet and social media

The council understands that employees may use social networking sites in their personal time both in and outside of work. Whilst these sites can be a way of keeping in touch with friends and colleagues, you should be aware that information posted on these sites is often public and may be viewed by colleagues, residents and the media/press.

As an employee, you have responsibility to act in the best interests of the people of the County and not breach any confidentiality or post anything that could damage the council's reputation.

Further guidance is available in the [Personal Use of Social Media Policy](#).

The council may monitor the use of the internet for legitimate business reasons, including compliance with this Code. By using the internet employees are deemed to have consented to the monitoring, recording and auditing of internet use.

6.3 Political neutrality

Employees of the council are required to work with all councillors. Employees must not favour or disadvantage any political group or politician in how they undertake their duties.

You must:

- Remain politically neutral and objective in your work role.

You must not:

- Allow your personal or political opinions to interfere with your work;
- Display political posters, including election material, in council buildings.

Certain posts within the council are deemed to be politically restricted due to the nature of the job. Your job description will state whether your post is politically restricted, and you will have been notified of this in your Statement of Particulars. Further information is available in the [Recruitment and Selection Policy](#).

If you hold a politically restricted post you must not:

- stand as a candidate for public elected office (other than to a Parish/Town council);
- hold office in a political party;
- canvass at elections or act as an election agent or sub-agent for a candidate for election;
- speak or write publicly, demonstrating support for a political party.

6.4 Working with councillors

Mutual respect, trust and courtesy between employees and councillors is essential to good local government.

You must:

- give appropriate and impartial advice to councillors when requested;
- ensure working relationships are kept on a professional basis;
- speak to your manager and/or refer to the Protocol for Member/Officer Relations if you are unsure about the information you are able to provide to councillors.

You must not:

- form close personal relationships with councillors which could damage your working relationship.

6.5 Criminal convictions/loss of driving licence or qualification

You must inform your manager immediately if:

- you receive any criminal conviction, caution or are subject to a police investigation, or placed under bond during your employment with the council, either within or outside of your normal working hours;
- you receive any driving convictions that result in the loss of your driving licence;
- you are subject to medical restrictions or changes to category entitlements in your driving licence that may impact on your ability to carry out the duties of your contracted role;
- you have engaged in behaviour that has resulted in loss of licence, affiliation, accreditation or qualification that may impact on your ability to carry out the duties of your contracted role.

If your post is subject to vetting and barring checks, as well as the above, you must also inform your manager immediately if you are subject to a criminal investigation. All information you provide in this regard will be dealt with in strict confidence.

6.6 Council contracts and personal interests

Where your role involves procuring, managing or administering council contracts or you have any other professional or personal relationship with contractors you must:

- comply with the Contract Procedure Rules and Financial Procedure Rules which are part of the council's Constitution, Financial Management Standards and any other relevant council procedures of orders and contracts;
- exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors;
- declare any current or previous private or personal relationships with contractors, sub-contractors or suppliers by completing form CCE1.

Other financial interests include when money other than your salary is paid into your bank account by the council or where your address is linked to a business receiving payment from the council. In these circumstances you must declare any financial or non-financial interests which could conflict or be seen to conflict with the council's interests to your Head of Service by completing form CCE2.

6.7 Handling council money or sponsorship

Durham County Council is a publicly funded organisation and as such, all employees who are authorised to be involved in financial activities and transactions on behalf of the council must be familiar with its Financial Procedure Rules and Financial Management Standards.

You must not benefit from any contract or sponsorship that is given to or by the council, or show any favour to a partner, spouse, relative, friend or associate.

You must ensure that any sponsorship accepted is related to council business and is approved by your Head of Service.

6.8 Intellectual property

'Intellectual property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings, including for example - reports, policy, training, computer programmes and technical documents and materials. Some aspects of the work

you carry out or produce on behalf of the council will be classed as 'intellectual property' and therefore belongs to the council, rather than to you personally.

You must not make use of the council's intellectual property to conduct private work.

6.9 Commitments outside of work

Outside work means any paid or unpaid work, including voluntary work, undertaken in addition to your council employment. Any requests to undertake outside work will be considered and will not be unreasonably refused, however the council must consider whether or not such outside working would be in conflict with council interests or weaken public confidence in the council, or adversely impact upon your ability to carry out your role with the council.

Approvals will be reviewed should any concerns arise as to the impact the outside commitment on your ability to carry out your role within the council.

Before doing any outside work, you must complete form CCE3 for authorisation and if there are any subsequent changes relating to your outside work you may need to complete a further CCE3 form.

6.10 Gifts and hospitality

Gifts, hospitality or benefits in kind offered to you must be treated with caution to avoid any suggestion of improper motives or conduct. Approval must be given by the appropriate authorising manager, as detailed in the CCE4 form.

You must always:

- declare to your Head of Service, by completing form CCE4, if you are offered, or you wish to offer, any gifts, hospitality (for example attendance at sporting events, formal dinners or conferences), or other advantage;
- inform your Head of Service, by completing form CCE4, if you have been offered gifts, hospitality or advantage, even if your intention is to reject the offer, and you are not seeking permission to accept;
- use tact and courtesy if you need to refuse a gift or hospitality. Even where gifts are refused, this should still be recorded using the CCE4 form;
- report to your Head of Service any approaches made to you which may be an attempt to gain some form of preferential treatment.

Specifically, in relation to gifts:

- in circumstances where a gift is delivered and cannot be declined or returned, you should complete a CCE4 form to request permission to personally accept the gift or for the gift to be passed on to the Chairman's Charity;
- there is no requirement to seek approval for token gifts such as mugs, mouse mats, pens etc.
- you must not accept gifts or legacies from current or former service users/clients (you personally or members of your family);
- gifts of money or alcohol should never be accepted (but alcohol may be donated to the Chairman's Charity if refusal to accept would cause offence).

Specifically, in relation to hospitality:

- only accept hospitality (e.g. meals/refreshments/event tickets) if there is a genuine need to convey information or to represent the council;
- you need to be sure that accepting the hospitality does not create a conflict of interest;
- there is no requirement to seek approval to accept light refreshments which are offered during meetings, conferences, etc. (e.g. tea/coffee/snacks/sandwiches);
- if invited to attend and/or speak at conference or events where travel expenses, accommodation costs and subsistence expenses are paid for by the organiser, these should be declared as hospitality in advance of the event;
- should hospitality be offered at short notice and it is not possible to decline without causing offence, a declaration must be made immediately after the event.

6.11 Using council equipment, materials and property

Council assets and facilities, including computers, laptops, mobile phones, photocopiers, vehicles, and offices must only be used for official council business and not for personal use. You must comply with health and safety regulations and use personal protective equipment (PPE) as required. All council resources must be used with care to avoid wastage, loss or damage and, where applicable, returned on leaving employment.

7 Declaration forms

The following declaration forms (CCE1 – CCE4) are to be completed as detailed in this Code.

Form CCE1	Declaration of Relationships with External Contractor or Supplier
Form CCE2	Declaration of Personal Interests
Form CCE3	Request for Approval to Undertake Outside Work
Form CCE4	Declaration of Offers of Hospitality/Gifts

Declarations are to be made online via [MyView](#) and will be authorised by your Head of Service. All forms will be recorded on your personal file. Where a Head of Service is required to submit a form, this will go to their line manager for approval.

If you do not have access to MyView, your Manager can complete the required form(s) on MyView on your behalf.

All council HR policies and guidance can be found on the [HR Policies page](#) on the intranet. If you are unable to access the intranet, please speak to your manager.

For advice regarding the application of this policy please contact:

HR Advice and Support
03000 265 451

hradviceandsupport@durham.gov.uk

Relevant forms or letters should be forwarded to Payroll and Employee Services:

Neighbourhoods and Climate Change

PESNCC@durham.gov.uk

Regeneration, Economy and Growth

PESREG@durham.gov.uk

Children and Young People's Services

PESCYPS@durham.gov.uk

Adult Health Services

PESAHS@durham.gov.uk

Resources

PESResources@durham.gov.uk

Further support can be accessed by contacting:

Occupational Health
03000 268 999

occhealthadmin@durham.gov.uk

Health and Safety

hsteam@durham.gov.uk

Employee Assistance Programme
0800 716 017

www.healthassuredeap.com

Username: durham Password: council

Our values



Durham County Council complies with all relevant statutory obligations. Personal information processed by the Council will be handled in accordance with the Council's privacy statement, which can be accessed [here](#). Human Resources privacy notice provides more specific information on the data collected and how it is handled, a copy of which can be accessed [here](#).

If you have any concerns about how your data is handled, please contact either the Data Protection Officer at dpo@durham.gov.uk or the [Information Commissioner's Office](#).

Author	Version	Last review	Next review
Senior HR Officer	v7	April 2021	April 2022



Protocol on Member Officer Relations

1. Status of this Protocol

- 1.1 This Protocol seeks to offer guidance on some of the issues which most commonly arise in relation to the relationships between Members and Officers.
- 1.2 The Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers.
- 1.3 The Protocol gives guidance only but it may be taken into account if there is a complaint about a Member or an Officer. Members must observe the Members' Code of Conduct. Any complaints received in relation to alleged breaches of the Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with the Code of Conduct for Employees. Any complaints received about Officers behaviour or conduct will be considered by the relevant managers.

2. Roles of Members and Officers

Officers and Members both serve the public but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Members and implement the policies of the Council to the best of their abilities. Members are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives. Employees are answerable to the Chief Executive, not to individual Members (whatever office they hold), but there should be good communication between senior officers and Members with special responsibility for their area of work.

3. Expectations

- 3.1 What Members can expect from Officers:
 - (a) A commitment to the authority as a whole, not to any political group;
 - (b) A working partnership;
 - (c) An understanding of and support for respective roles, workloads and pressures;
 - (d) Timely responses to enquiries and complaints;

- (e) Professional advice, not influenced by political views or preference;
- (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) Awareness and sensitivity to the political environment;
- (h) Respect and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures;
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, confidential reporting and disciplinary procedures instead; and
- (l) Compliance with the Employee Code of Conduct.

3.2 What Officers can expect from Members:

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political policy direction and leadership;
- (d) Respect and courtesy;
- (e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Corporate Directors, Director or Heads of Service); Members should raise all queries on operational matters initially with Corporate Directors, Director or Heads of Service who will ensure that Members receive a timely response.
- (f) Members are encouraged to use regular briefings and / or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;

- (g) Members should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work;
- (h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of Officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this;
- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (j) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media; and
- (k) Members should at all times comply with the Member Code of Conduct.

4. Limitations on behaviour

The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

- (a) Personal relationships between individual Members and Officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions. In this situation, others may feel that a particular Member or Officer may be treated more favourably.
- (b) Personal relationships should be avoided. Where they do exist the officer concerned must notify their manager.
- (c) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party political issues;
- (d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

5. Politeness and respect

- 5.1 Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and / or public attacks; and ensure their criticism is fair and constructive.

- 5.2 Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

6. Complaints about Members or Officers

- 6.1 If an Officer feels a Member is not treating them with politeness and respect, they should consider talking to the Member directly. If they do not feel able to do this, or talking to the Member does not help, they should talk to their Head of Service, Director or Corporate Director immediately. The Head of Service, Director or Corporate Director will talk to the Member or the Leader of their political group and / or other senior officers as appropriate. The Officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.
- 6.2 If a Member feels an Officer is not treating them with politeness and respect, they should consider talking to the Officer directly. If they do not feel able to do this or talking to the Officer does not help, they should talk to the Officer's Head of Service, Director or Corporate Director immediately. If the problem continues the Head of Service, Director or Corporate Director will consider whether to use the Council's disciplinary procedures.

7. Members' enquiries

- 7.1 Officers should answer Members' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Where a Senior Officer considers that the enquiry received is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate. Members should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Members' enquiries.

Casework

- 7.2 Where a Member is making an enquiry of Officers as part of their ward casework, Officers will normally assume that they have the implicit consent of an individual to disclose personal information about them to the Member but only where:
- (a) the Member represents the ward in which the individual lives;
 - (b) the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
 - (c) the information is necessary to respond to the individual's complaint.

In all other cases Officers may need to seek the explicit consent of the individual to share their personal data with the Member in order to comply with the data protection requirements.

7.3 Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this. See also paragraphs 8.1(c) and 8.1(d) below.

8. Information and advice

8.1 Requests for written information

- (a) Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.
- (b) Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.
- (c) The Leader of the Council or Leader of any other political group may request the Chief Executive or the relevant Corporate Director or Director, or other designated Officer, to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.
- (d) Wherever possible, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups. Requests will also only be met where they comply with data protection or other legal requirements.
- (e) Officer reports to political groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.

8.2 Briefings

- (a) In order for them to discharge their responsibilities Cabinet Members will be briefed by senior officers (Corporate Directors, Director or Heads of Service) on service issues, proposals and policy development either on an ad hoc or a regular basis, in accordance with the requirements of the Member involved.

- (b) The other political party groups may also have nominated Shadow Portfolio Holders and, if those leads so request, the relevant senior officers will make themselves available to meet with them to brief them on service issues. The other political party groups should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality.
- (c) The content of these informal briefing sessions shall remain confidential as between Officers and the political group concerned.

8.3 News items

When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

8.4 Ward Members

- (a) Senior officers should ensure that Ward Members are given information relevant to their ward where appropriate. As well as Ward Members know when there has been a significant incident in their ward, Ward Members should be notified about the following types of issue:
 - (i) Public consultation events affecting their wards;
 - (ii) Proposed changes to services sited within their wards;
 - (iii) Applications and proposals in their wards
- (b) Ward Members should be invited by Officers to public events, such as openings, festivals etc., in their wards regardless of political affiliation.
- (c) If Officers organise a public meeting about a specific ward issue, all the Ward Members should be invited and given as much notice as possible.
- (d) If Officers undertake consultation about specific ward issues they should consult the Members for that ward at the start of the consultation.
- (e) Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial.

8.5 Officer attendance at Group Meetings

- (a) The Leader of the Council or Leader of any other political group may ask the Chief Executive, Corporate Director or Director to give or arrange a private briefing for the party group on a matter of relevance to the Council.
- (b) Any briefings offered to or requested by a party group will be offered to the other party groups.
- (c) While Officers may attend political group meetings at which individuals who are not elected Members may be present, Members need to understand that those Officers' ability to share confidential information with the Group may be limited. In particular Officers will not be able to share personal information with third parties present if to do so would cause the Council to breach the data protection requirements.
- (d) Officers must not attend regional and / or constituency party political meetings.
- (e) Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.

8.6 Advice for Members with special responsibilities

- (a) The Chair, Cabinet Members and Committee Chairs can ask the Chief Executive, Corporate Directors, Director and Heads of Service for extra background information and advice on different courses of action.
- (b) Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.
- (c) The Leaders of minority political groups can ask the Chief Executive, Corporate Directors, Director or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.
- (d) Party group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

9. **Members' briefings on agendas and reports**

9.1 Briefings on agendas

The Chief Executive, Corporate Directors, Director and Heads of Service will give briefings on full Council, Cabinet and Committee agendas to the Leader and Deputy Leader and Committee Chairs as appropriate.

9.2 Consultation on agendas

The Leader will be consulted on agendas for the Cabinet. Committee Chairs will be consulted on agendas for their Committees.

9.3 Requests for reports

- (a) Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.
- (b) Whilst Cabinet Members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet Member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

10. **Support services to Members and Political Groups**

Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

11. **Correspondence**

11.1 Between Members and Officers

If emails or letters between Officers and Members are copied to someone else, they should say so. Blind copies should not be sent. Members should not forward information received from an Officer to a constituent or member of the public if that information is expressed to be private or confidential.

11.2 Letters on behalf of the Council

Letters on behalf of the Council will normally be sent by Officers rather than Members. The Leader or Committee Chairs may write some letters on behalf of the Council, for example representations to government ministers. Members must never send letters that create obligations or give instructions on behalf of the Council.

12. **The Council as an Employer**

The Council as a whole employs its Officers. The appointment and dismissal of Officers and any disciplinary or grievance proceedings will be carried out in accordance with the Officer Employment Procedure Rules and any other agreed policies and procedures.

13. **Responsibility for this Code**

The Monitoring Officer has overall responsibility for this Protocol and will periodically review its operation.

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PART 6 Members Allowances Scheme

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DURHAM COUNTY COUNCIL

**MEMBERS HANDBOOK
AND
ALLOWANCES GUIDE**

Allowances as at 1 April 2021

Preface

This booklet is intended to provide Councillors with a detailed guide to the rules governing the payment of allowances together with details of the amounts payable and the procedures to be followed in making claims, etc.

CONTENTS

1. **Allowances Payable**
2. **Definition of Approved Duties**
3. **Claim Forms**
4. **Members Appointed to Other Bodies**
5. **Income Tax**
6. **Pensions**
7. **Insurance**
8. **Social Security**
9. **Sick Pay**
10. **Members' Surgeries**
11. **Members Parental Leave**

APPENDICES

- A Distribution of Special Responsibility Allowance
- B Ground rules for Travel and Subsistence
- C Travelling Allowances
Subsistence Allowances for Approved Duties
Travel Outside the United Kingdom
- D Schedule of Outside Organisations, attendance at which qualifies for Travel and Subsistence Allowances
- E Schedule of Outside Organisations which pay Travelling and Subsistence Allowances to Members
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- G Association of North East Councils Members' Allowances Scheme
- H North East Regional Employers' Organisation Scheme
- I LGA Members' Allowances Scheme

J List of ABI approved insurance companies

K. Members Parental Leave Policy

1. ALLOWANCES PAYABLE

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require that an authority shall make a scheme in respect of the succeeding financial year on or before 31st March each year. The scheme may be amended at any time but may only be revoked with effect from the beginning of a year.
- 1.2 Under these regulations Councils are required to establish and maintain an independent remuneration panel to provide the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
- 1.3 The prescribed components of the County Council Scheme are as follows:

(a) **Basic Allowance**

- (i) Payable to each Member of the authority who is a County Councillor. Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a financial year the amount of basic allowance due is calculated as follows:

$\frac{\text{Number of Days In Office}}{\text{Number of Days In Year}} \times \text{Annual Basic Allowance}$
--

- (ii) Basic Allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes. The allowance is also intended to cover the cost of meals and other incidental expenses incurred within the region.
- (iii) The amount of allowance per Member as at 1st April 2019 is £13,300 per annum and is to be paid at £1108.33 per month.

(b) **Special Responsibility Allowance**

- (i) Payable to Members of the Council specified in the Scheme who have special responsibilities. Where a Councillor takes up or relinquishes any special responsibility otherwise than at the beginning or end of the financial year the amount of special responsibility allowance payable is calculated as follows:

$\frac{\text{Number of days performing special responsibility}}{\text{Number of days in year}} \times \text{annual special responsibility allowance}$

(ii) No Member can receive more than one Special Responsibility Allowance.

(iii) The amounts currently payable are shown in Appendix A.

(c) **Dependant Carers' Allowance**

- (i) A dependant carers' allowance is payable at a rate not exceeding £7.70 an hour to those Councillors who incur expenditure for the care of dependent relatives or children whilst undertaking approved duties. "Approved duties" are specified in the Regulations and are as follows:
- a. A meeting of the Executive;
 - b. A meeting of a committee of the Executive;
 - c. A meeting of the Authority;
 - d. A meeting of a committee or sub-committee of the authority;
 - e. A meeting of some other body to which the authority makes appointments or nominations; or
 - f. A meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations;
 - g. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee;
 - h. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee; and
 - i. to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
 - j. A meeting of a local authority association of which the authority is a member;
 - k. Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

- I. Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.
 - (ii) Payment is claimable in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required. Evidence would take the form of a letter from a doctor or social worker stating the maximum time that the dependant could be left without care.
 - (iii) The allowance is paid against actual expenditure evidenced by receipts. The allowance is not payable to a member of the claimant's household. The maximum rate payable will be increased each April in line with the national minimum wage. (The hourly rate is paid in line with national minimum wage at age 21).
- 1.4 The amounts specified in paragraph 1.3(a) and Appendix A of this document are subject to an annual review by the Independent Remuneration Panel.

Foregoing Allowances

- 1.5 A member may, by notice in writing given to the Corporate Director of Resources, elect to forego any part of their entitlement to an allowance under this scheme.

Co-opted Members

- 1.6 Co-opted Members (including Parent Governor Representatives) are entitled to claim travelling allowance at the rates given in Appendix C. This allowance is taxable. A claim form should be completed and forwarded to the Committee Services contact as soon as practicable after the duty has been performed.

2. DEFINITION OF APPROVED DUTIES

Travelling and Subsistence Allowances

- 2.1 Payable in respect of expenditure incurred in the performance of approved duties. Subsistence allowance is not payable for duties performed within the boundaries of the counties of Durham (including Darlington) and Northumberland, and the former administrative counties of Tyne & Wear and Cleveland.
- 2.2 The definition of an approved duty is as follows:

- (a) A meeting of the County Council or of the Cabinet or of any committee, or sub-committee of the County Council, or of any body to which the County Council makes appointments or nominations, or of any committee or sub-committee of such a body.

A list of bodies covered by this paragraph is given in Appendix D.

A number of such bodies operate their own schemes of allowances. A list of these is given at Appendix F.

- (b) Any other meeting the holding of which is authorised by the County Council, a committee or sub-committee of the County Council, or a joint committee of the County Council and one or more other authorities, or a sub-committee of such a joint committee, provided that it is a meeting to which Members of at least two political groups have been invited.
- (c) A meeting of any association of authorities of which the County Council is a member.
- (d) The performance of any duty in connection with arrangements made by the County Council for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996.
- (e) Any other duty approved by the County Council in connection with the discharge of the functions of the Council or of any of its committees or sub-committees including the making of official and courtesy visits on behalf of the authority. Tasks so approved are shown below:
 - (i) Attendance by County Councillors at County Hall to read official papers and deal with correspondence.
 - (ii) Attendance by chair and vice-chair of committees and sub-committees at pre-meeting discussions with officers.
 - (iii) Attendance at a meeting to which the Member is invited whether as chair, vice-chair or otherwise, by or on behalf of the Chief Executive, the Director of Resources or another chief officer to discuss matters or consider issues relating to the functions of the County Council, including meetings with third parties such as government departments, statutory bodies, other local authorities, trade unions and the public.
 - (iv) Attendance at press conferences to which the Member is invited by the Corporate Director, Resources in consultation with the appropriate chair or vice-chair.

- (v) Attendance by a Member at the request of the Local Government Ombudsman, for interview by an officer of the Ombudsman in relation to a complaint against the County Council.
- (vi) Attendance at a meeting with the appropriate officer(s) of any of the bodies listed in Appendix D to which the Member is invited by the body, or attendance at a meeting with third parties when representing the body by virtue of their position as chair or vice-chair of the body or one of its committees or sub-committees, the purpose of their attendance being to discuss matters arising for the purpose of or in connection with the functions of the body.
- (vii) Attendances at conferences or meetings held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.
- (viii) Official openings of County Council establishments, Developments and Exhibitions at the invitation of the appropriate Chief Officer in consultation with the Leader or Deputy Leader of the County Council. This is intended to cover situations where Members are required to perform a duty such as perform an opening ceremony, make a speech, give prizes etc. Courtesy invitations issued to several or all Members are functions which do not qualify for payment. Members are advised to seek guidance from appropriate Chief Officers.

2.3 Invitations from groups or bodies to attend meetings as a Local Member are not approved duties for the payment of travelling and subsistence allowances. These duties are constituency matters not connected with the discharge of the functions of the County Council.

2.4 Details of the travelling and subsistence allowances currently payable are shown in Appendix C.

Travelling to conferences, seminars, etc.

2.5 Members who in their capacity as a County Councillor receive an invitation directly to a conference, seminar etc. should, if they wish to attend, contact Member Development on 03000 265 346 who will consult with the appropriate designated Member.

Payment of expenses of official and courtesy visits, etc.

- 2.6 Subject to paragraph 2.7 the County Council will pay the cost of any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the County Council.
- 2.7 In the case of a visit within the United Kingdom, the amount paid under this section in respect of the expenses of any member of the County Council shall not exceed the payments which they would have been entitled to receive by way of travelling allowance or subsistence allowance if the making of the visit had been an approved duty of that member.

Ground rules for travel

- 2.8 Ground rules for Members' Claims for Travel and Subsistence are set out in Appendix B.

Meals on Trains

- 2.9 Members may claim full reimbursement of the reasonable cost (including VAT) of a main meal (full breakfast, lunch or dinner) taken on a train. Members wishing to claim must submit receipts. Where full reimbursement is claimed the allowance for the meal provided cannot also be claimed, i.e. breakfast, lunch, dinner, etc.

Travel outside the United Kingdom

- 2.10 Members may claim for reimbursement of reasonable expenses incurred. Receipts for all expenses must be submitted with any claim, as set out in Appendix B.

Out of Pocket Expenses

- 2.11 Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable in place of the normal subsistence allowances.
- 2.12 The current rates are set out in Appendix C.

Special Functions and Occasions

- 2.13 Elected Members on occasions are invited or feel it necessary to attend functions or occasions which have a social element. No allowances are paid to Members of the Council on these occasions unless the Member is undertaking the performance of a specific duty, e.g. making a speech or distributing prizes when travel and subsistence allowances may be paid. Courtesy invitations issued to several or all Members are functions which do not qualify for payments.

3. CLAIM FORMS

Completion

- 3.1 The attention of Members is drawn to the following points when completing a claim form:
- (a) The claim form must be completed and signed in ink.
 - (b) Full details/description of an approved duty must be given
 - (i) if the reason for claiming travelling or subsistence allowances is a qualifying meeting, the full title of the meeting should be given;
 - (ii) for conferences, seminars, etc., full details must be given, including names of any officers involved, conference title and location, etc;
 - (iii) VAT receipts for purchase of petrol should be attached to all claims

Submission

- 3.2 Payment of allowances is made monthly. All deadlines and payment dates are published in advance and are available to view on the Councillors page of the Intranet.
- 3.3 All travel and subsistence claims are paid along with any allowances direct into a bank/building society of your choice. There is no facility for cheque payment in relation to Allowances or claims.
- 3.4 The Local Authorities (Members' Allowances) (England) Regulations 2003 prescribe that claims **must** be submitted within two months of the date of the meeting for which the claim is made.

Advances

- 3.5 In exceptional cases, payment of an advance can be arranged via the Business Support Team on 03000 263 751

Avoidance of Duplication of Allowances

- 3.6 A councillor performing approved duties as a member of more than one body or becoming entitled to payments under any other legislation must ensure that only one claim is made for that duty.

Withholding Allowances

- 3.7 Where payment of any allowance has already been made in respect of any period during which the member concerned:-
- (a) ceases to be a member of the County Council, or
 - (b) is in any other way not entitled to receive the allowance in respect of that period, the County Council requires that such part of the allowance as relates to any such period be repaid to the County Council.

4. MEMBERS APPOINTED TO OTHER BODIES

Special arrangements apply to Members who are appointed to certain bodies, such as the Local Government Association, the North East Regional Employers' Organisation and the Association of North East Councils, which operate their own allowances schemes. Notes are attached in Appendices G to I which deal with the individual schemes. Attendance allowances payable under these schemes are in addition to the basic allowance from the County Council.

5. INCOME TAX

Tax is payable on basic allowances, special responsibility allowance, attendance allowance payable by other bodies, dependant's carers' allowance and co-optees' allowance. Her Majesty's Revenue & Customs (HMRC) is notified of all new Members. However, as Members' circumstances vary, and their tax may be dealt with at other HMRC offices, it is advisable for Members to make arrangements with their Tax Inspector for a tax code number to be allocated.

6. PENSIONS

With effect from the local elections in May 2017, no councillors have access to the Local Government Pension Scheme.

7. INSURANCE

The County Council has arranged travel insurance for its Members while travelling abroad on County Council business. Cover is provided for medical expenses, baggage, cash and personal public liability: details are available from the Insurance Officer on **(03000) 269 666**.

8. SOCIAL SECURITY

National Insurance Contributions

- 8.1 National Insurance contributions are payable on all basic allowances, special responsibility allowances, attendance allowances payable by other bodies, plus elements of mileage allowances, provided the aggregate amount of these allowances reaches a lower earnings limit (£118 per week or £512 per month) and the Member is under state pension age. Members who are state pension age – are not liable to pay National Insurance contributions provided confirmation is provided of their age in the form of a birth certificate or passport (originals only) which should be sighted by the Business Support Officer. Alternatively a certificate of non-liability could be supplied by the local office of the Department of Work and Pensions.
- 8.2 There is an annual maximum contribution liability for people with more than one job and, in some instances, Members in this position may be entitled to a refund of contributions; alternatively they may apply to the DWP to defer payment of contributions in their capacity as councillors.

Benefits

- 8.3 The National Insurance contributions paid by Members count towards the full range of contributory benefits, including statutory sick pay, state pensions, unemployment benefits, etc.

Advice

- 8.4 Advice on contributions and benefits can be obtained from the local office of the Department of Work and Pensions.

9. SICK PAY

Members who fall ill will receive their basic allowance and special responsibility allowance, as normal. As there is no deduction for being off sick, Statutory Sick Pay is not payable in addition to these allowances and it is not necessary to submit a self-certification of sickness form or a doctor's sick note when you are ill.

10. MEMBERS' SURGERIES

- 10.1 The County Council will pay the cost for one surgery per month. Invoices for room hire can be sent to Durham County Council for payment or alternatively can be reclaimed from Resources, Business Support on production of a receipt.

10.2 Please note that attendances at surgeries **DO NOT** qualify for travelling and subsistence, and other expenses such as advertising costs must be borne by the Members who incur them.

11 Members Parental Leave.

11.1 On 20 January 2021 the Council approved a Members Parental Leave Policy which is shown at Appendix K. The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; that both parents are able to take appropriate parental leave; and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

MEMBERS' ALLOWANCES

SPECIAL RESPONSIBILITY ALLOWANCE

Designation	Amount (£)
Chair of the County Council	6650
Vice-Chair of the County Council	3325
Leader of the County Council	36575
Deputy Leader of the County Council	19950
Cabinet Member (x8)	13300
Chair of Corporate Overview and Scrutiny Management Board	13300
Vice-Chair of Corporate Overview and Scrutiny Management Board	7980
Chair of Appeals and Complaints Committee	2660
Vice-Chair of Appeals and Complaints Committee	1330
Chair of Audit Committee	2660
Vice-Chair of Audit Committee	1330
Chair of Corporate Parenting Panel	2660
Vice-Chair of Corporate Parenting Panel	1330
Chair of Highways Committee	2660
Vice-Chair of Highways Committee	1330
Chair of General Licensing and Registration Committee	3325
Vice-Chair of General Licensing and Registration Committee	1662
Chair of Statutory Licensing Committee	3325
Vice-Chair of Statutory Licensing Committee x 2	1662
Chair of General Licensing and Registration Sub-Committee (1)	3325
Chair of General Licensing and Registration Sub-Committee (2)	3325
Chair of General Licensing and Registration Sub-Committee (3)	3325
Chair of County Planning Committee	3325
Vice-Chair of County Planning Committee	1662
Chair of Area Planning Committee (North Durham)	3325
Vice-Chair of Area Planning Committee (North Durham)	1662
Chair of Area Planning Committee (Central and East Durham)	3325
Vice-Chair of Area Planning Committee (Central and East Durham)	1662

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DESIGNATION	£
Chair of Area Planning Committee (South and West)	3325
Vice-Chair of Area Planning Committee (South and West)	1662
Chair of Pension Fund Committee	2660
Vice-Chair of Pension Fund Committee	1330
Chair of Children and Young People's Scrutiny Committee	2660
Vice-Chair of Children and Young People's Scrutiny Committee	1330
Chair of Safer and Stronger Communities Scrutiny Committee	2660
Vice-Chair of Safer and Stronger Communities Scrutiny Committee	1330
Chair of Environment and Sustainable Communities Scrutiny Committee	2660
Vice-Chair of Environment and Sustainable Communities Scrutiny Committee	1330
Chair of Economy and Enterprise Scrutiny Committee	2660
Vice-Chair of Economy and Enterprise Scrutiny Committee	1330
Chair of Adults, Wellbeing and Health Scrutiny Committee	2660
Vice-Chair of Adults, Wellbeing and Health Scrutiny Committee	1330
Chair of Standards Committee	2660
Where an Opposition Group has 20% or more of the Council Members allowance is £6650, where Group has less than 20% membership allowance is £3325	
Leader of Opposition Group (Conservative)membership	3325
Leader of Opposition Group (Liberal Democrats) membership	3325
Leader of Opposition Group (Durham Independent Group) membership	3325
Leader of Opposition Group (DCC Independent Group) membership	3325
Leader of Opposition Group (Spennymoor Independent Group) membership	3325
Leader of Opposition Group (North East Party Group) membership	3325

**GROUNDRULES FOR MEMBERS' CLAIMS
FOR TRAVEL AND SUBSISTENCE**

1. Travel by Rail

Rail tickets should be requested from the Business Support Team in the Resources Service Grouping in advance of travel, as the Council's contract provides for a discount.

Members should either contact Members' Support who will liaise directly with Business Support on your behalf, or members can go direct to the Business Support Team.

Standard Class rail travel is the approved class of travel, although first class rail can sometimes be the cheaper option dependent upon the time of booking.

Members wishing to travel first class when it is not the cheapest option can choose to do so but will be required to pay the difference between that cost and the standard cost. The difference will be recovered by payroll deduction.

Tickets can be booked up to 3 months in advance of date of travel. Members should make their requests as far in advance as possible in order to maximise savings and should you have any special requirements to assist you with your journey please advise Members' Support or the Business Support Team at the time of the request.

Members eligible for a Senior Citizens Railcard or any other concessionary travel railcard and who may be required to travel as part of their duties are encouraged to buy one as this results in a further discount on the ticket cost. The cost of the railcard will be reimbursed upon receipt of your first claim for travel and subsistence.

2. Overnight Accommodation

Where it is considered that an overnight stay is required, then accommodation should be organised in advance by the Business Support Team.

Members should contact Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team direct who will also be able to satisfy any specific queries or special requirements which you may have.

Accommodation along with Breakfast and Evening meal, if required, will be booked and paid for in advance. Members should make their requests as far in advance as possible in order to achieve best prices and should you have any special requirements in relation to your booking please advise us at the time of the request.

Reimbursement for any additional meals purchased up to the maximum amounts detailed below i.e. breakfast, lunch, tea or evening meal can be claimed retrospectively (less any meals provided) on the production of receipts. Should it not be possible to obtain subsistence within these limits then actual costs can be claimed up to a reasonable amount in liaison with Business Support Manager and upon the production of receipts.

In exceptional circumstances an advance can be given to cover incidental subsistence/travel requirements i.e. lunch, evening meal, taxis, where it has not been possible to organise these prior to travel. Receipts should be retained to cover all advance expenditure and this can be reconciled on return.

Rates are set out below and also for reference shown on members' claim forms.

Allowance	Minimum absence from home	Rate £
Breakfast	2 hours which must be before 11.00am	6.75
Lunch	2 hours which must be between 12 noon and 2.00pm	9.27
Tea	3 hours which must include 3.00pm to 6.00pm	3.65
Evening Meal	3 hours which must be after 7.00pm	11.48

Nb. No reimbursement for alcohol purchased will be made – should this be included on your receipt it will be deducted from the amount claimed.

Whilst it is appreciated that most travel is planned and can be organised in advance there may be exceptional circumstances where Members may need to organise themselves. In such circumstances, retrospective claims for travel or accommodation will be paid when submitted on monthly claim forms and on the production of receipts.

The current rates are laid out below and are intended to cover the costs of accommodation and associated subsistence during a 24 hour period. However, it is also recognised that on occasion it may not be possible to obtain accommodation and subsistence within these limits and therefore higher amounts can be claimed up to a reasonable amount upon presentation of receipts. However only in exceptional circumstances should this be the case.

Overnight allowance		Rate £
London	Up to a maximum claim on production of receipts	£124.76
Outside London	Up to a maximum claim on production of receipts	£109.39

3. Travel by car as an alternative to Rail

As a general rule, journeys outside the locality should be undertaken by rail as this is usually the cheapest mode of travel for someone travelling alone.

The ability to get to a particular destination by rail needs to be taken into account. Where the venue for the meeting is some distance from the railway station, the advantages and disadvantages of alternative methods of travel should be considered. Where Members choose to travel by car on a journey that would be reasonable to travel by rail either mileage or the cost of the cheapest available rail fare will be paid, whichever is the cheaper.

4. Air Travel

The cost of travel by air shall not exceed the cost applicable to travel by appropriate alternative means of transport. Unless in circumstances where the saving in time is so substantial as to justify payment of the fare for travel by air.

All arrangements should be made by contacting Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team in relation to any specific queries or special requirements which you may have.

5. Travel outside the United Kingdom

The same procedure as shown above will apply.

MEMBERS' ALLOWANCES

Travelling Allowances

Travelling allowances are payable for journeys undertaken in the performance of official duties. The rates are as follows from 1 April 2019

1. The rate for travel by a Member's own private motor vehicle, or one belonging to a member of their family or otherwise provided for their use, will be paid at 45.0p a mile
2. The rate for travel by a hired motor vehicle, other than a taxi-cab or cab, shall not exceed the value of the claim which would have been applicable had the vehicle belonged to the Member who hired it.
3. The rate for travel by taxi-cab or cab shall not exceed:
 - in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid (receipts should be obtained where possible);
 - in any other case, the amount of the fare for travel by appropriate public transport.

Motor Vehicle Insurance

Members are advised that when using their own vehicle for meetings they will be deemed to be using it on County Council business. It is therefore essential that vehicles should be adequately insured, and Members are therefore required to ensure that insurance covers business use as well as for the usual social, domestic and pleasure categories.

The Association of British Insurers provide a list of approved insurance companies which indemnify local authorities against all third party claims arising out of the use of their vehicle. A copy of the list is shown at Appendix J.

If a Member is covered for business use by a company not on the list, they should contact their insurer and arrange the necessary indemnity, which should be supplied in the form of a letter. An example is given in appendix J. Insurance companies not on this approved list, although they would insure for business use, would not cover injuries to a third party unless the necessary indemnity had been arranged.

Subsistence Allowances

Duties performed within the United Kingdom

When carrying out approved duties “Out of Region”, Members may claim up to the approved rates as follows on production of receipts:

1. For an absence not involving an absence overnight from the usual place of residence:

<i>Allowance</i>	<i>Minimum absence from home</i>	<i>Rate (£)</i>
Breakfast	2 hours which must be before 11.00	6.75
Lunch	2 hours which must include 12.00 to 14.00	9.27
Tea	3 hours which must include 15.00 to 18.00	3.65
Evening Meal	3 hours which must be after 19.00	11.48

Travel Outside the United Kingdom

Members may claim for reimbursement of reasonable expenses incurred. **Receipts for all expenses must be submitted with the claim**, as set out in Appendix B.

Out of Pocket Expenses

Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable, as follows:

	£ Per Day
Courses or conferences within the UK	5.00
Courses or conferences overseas	18.00

the day of arrival and departure being counted as one day.

Taxable and Non-Taxable Mileage

From 6 April 2016, following a change in HMRC guidance, all mileage claimed for journeys from this date should be shown as non-taxable mileage.

MEMBERS' ALLOWANCES

Schedule of other bodies, attendance at meetings of which (subject to the approval of a committee or other body) entitles a County Councillor to claim travelling and subsistence allowance.

Outside Bodies**Name of Body**

Admissions Forum
 Annfield Plain Gleemen
 Association for Public Service Excellence
 Association of North East Councils – Collaborative Procurement Board
 Association of North East Councils - Leaders and Elected Members Board
 Association of North East Councils – North East Culture Partnership Board
 Association of North East Councils – Resources Task and Finish Group

Barnard Castle School Governing Body
 Beamish Museum Board
 Believe Housing Board
 Believe Housing Values Group
 Bishop Auckland Community Partnership (Four Clocks)
 Bishop Auckland Heritage Action Zone Advisory Group
 Bishop Auckland Heritage Action Zone
 Bowes Museum
 Bus Lane Adjudication Service Joint Committee
 Business Durham Advisory Board - Members

Castle Eden Dene Nature Joint Advisory Committee
 CDC Enterprise Agency
 Central Durham Joint Crematorium Committee
 Chapter Homes
 Charter Trustees for the City of Durham
 Chester le Street Unit of Sea Cadet Corps
 Chester Moor Village Scheme
 Children in Care Council
 Chilton and Windlestone Community College
 Citizens Advice County Durham
 Cong Burn Wood Nature Reserve Management Committee
 Consett Churches Detached Youth Project
 Cornforth Partnership
 County Councils Network
 County Councils Network - Executive Committee
 County Durham and Darlington Fire and Rescue Authority
 County Durham and Darlington NHS Foundation Trust Council of Governors
 County Durham Children and Families Partnership

County of Durham School Benevolent Fund
Coxhoe and Quarrington Hill Tarmac Quarries Liaison Committee

Derwent Valley Landscape Partnership- the Land of Oak and Iron in North East
England
Derwentside District Scout Council
Derwentside Enterprise Agency Board
Durham City Access for All
Durham Cricket CIC
Durham Darlington and Teesside, Hambleton, Richmondshire and Whitby STP Joint
Health Scrutiny Committee
Durham Heritage Coast Partnership
Durham Johnston Educational Foundation
Durham Tees Valley Airport
Durham Tees Valley Airport Consultative Committee
Durham Villages Regeneration Limited

Easington Colliery Regeneration Partnership
Easington Social Welfare Centre
East Durham Business Service
English Heritage - Historic Environment Local Management
Health and Wellbeing Board
Henry Smith's Charity
Horden Regeneration Partnership

Industrial Communities Alliance

Joint Health Overview and Scrutiny Committee of North East Local Authorities

Lanchester Bowling Club
Laurel Avenue Community Association
Local Access Forum
Local Government Association
Lord Crewe's Durham Educational Foundation - Representative Trustees

Middleton Plus Development Trust
Mountsett Crematorium Joint Committee

National Association of Councillors
National Railway Museum at Shildon
Newbiggin and District Village Hall Association
Newcastle International Airport Local Authority Holding Company Limited
Newcastle International Airport Consultative Committee
Newcastle International Airport Limited
NEWCO
North East Combined Authority- Audit and Standards Committee
North East Combined Authority- Economic Development and Regeneration Board
North East Combined Authority- Leadership Board
North East Combined Authority - Overview and Scrutiny Committee

North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Audit Committee
North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Committee
North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Overview and Scrutiny Committee
North East Disability Resource Centre
North East Local Enterprise Partnership
North East Purchasing Organisation
North Eastern Inshore Fisheries and Conservation Authority
North Eastern Regional Employers Organisation (NEREO)
North Eastern Regional Employers Organisation (NEREO) - Executive Committee
North of England Reserve Forces and Cadets Association
North Pennines AONB Partnership
North Regional Brass Band Trust
North Tees and Hartlepool NHS Foundation Trust Council of Governors
Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee
Northumbria Regional Flood and Coastal Committee

PATROL (Parking and Traffic Regulations outside London) Adjudication Joint Committee
Pelton Fell Community Partnership
Police and Crime Panel
Project Genesis

Roseberry Grange Golf Course Committee
Ruth First Educational Trust Executive Committee

Sacrison Community Development Group
Safe Durham Partnership
Standing Advisory Committee for Religious Education
Stanhope Hartwell Educational Foundation

Teesdale Development Company Limited
Teesdale Village Halls Consortium
The Bow Trust (Durham) Ltd
Thrislington Quarry Liaison Committee
Trimdon Community College Association

United Charities of Romaldkirk
Upper Teesdale Community Association

Visit County Durham

Wear Valley Women's Aid Limited
Weardale Open Air Swimming Pool Association
Witham Hall Limited
Witton Gilbert Educational Foundation (formerly Jane Finney Trust)

MEMBERS' ALLOWANCES

Schedule of outside organisations which pay travelling and subsistence allowances directly to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.

North East Regional Employers' Organisation Committees
(for further details see Appendix H, paragraph 3)

MEMBERS' ALLOWANCES

Schedule of outside organisations which are recharged by the County Council in respect of attendance allowance paid to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.

Association of North East Councils
North East Regional Employers' Organisation

**ASSOCIATION OF NORTH EAST COUNCILS
MEMBERS' ALLOWANCES SCHEME**

1. Eligible Members

Those eligible for the ANEC scheme are representatives of member authorities at the meetings of the Association, Executive and Standing Committees and the Regional Assembly.

2. Approved Duties

For the purposes of the Association's scheme, approved duties include:

- attendance at meetings of the Association, Executive and Standing Committees and the Regional Assembly;
- duties carried out by Members as the Association's appointed representatives on any public body, charity, voluntary body or other body formed for a public purpose (and not for the personal benefit of its members) except where such remuneration would be prohibited by another enactment;
- attendance on behalf of the Association at briefing meetings, Chair's meetings and at meetings with Ministers, Government Departments or other bodies.

3. Rate of Allowance 2019/20

An allowance of £22.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Travelling and subsistence allowance in respect of attendance at the meetings outlined in paragraph 2 above will be reimbursed by the County Council.

4. Payment Arrangements

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Association.

The County Council is requested to submit invoices monthly, or for longer periods in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Association representative
- dates of approved duties
- detail of approved duties
- amount of claim

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP).

**NORTH EAST REGIONAL EMPLOYERS' ORGANISATION
MEMBERS' ALLOWANCES SCHEME**

1. Eligible Members

Those eligible for the North East Regional Employers' Organisation Scheme are representatives of member authorities at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

2. Approved Duties

For the purposes of the Organisation's scheme, approved duties include attendance at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

3. Rate of Allowance 2019/20

An allowance of £21.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Members who attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed the necessary travelling and subsistence expenses, in cash, by the North East Regional Employers' Organisation.

Members who **DO NOT** attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed travelling and subsistence allowances by the County Council.

4. Payment Arrangements

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Organisation.

The County Council is requested to submit invoices, in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Member
- date
- association/council/committee attended

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP)

LOCAL GOVERNMENT ASSOCIATION MEMBERS' ALLOWANCES SCHEME

Introduction

1. The Constitution of the Local Government Association empowers the LGA Executive to establish a scheme for payments to members attending meetings and other approved duties of the Local Government Association and in the light of independent advice to make payments to office holders of the Association and such other members as may be specified in recognition of duties carried out on the Association's behalf.

2. In June 1998, the Management Sub-Committee of the LGA appointed an Independent Panel to consider the existing arrangements and to establish a framework on which a suitable scheme for adoption by the Association could be based. The LGA accepted the principles on which the Panel's recommendations were based, and the recommendations themselves, and formally adopted the recommended scheme with the full support of all political parties represented on the Association.

3. The scheme has now been independently reviewed to reflect the changes to the member structure agreed by the General Assembly in July 2004. The proposed changes were agreed by the LGA Executive on 29 July 2004. The revised scheme is set out in the following paragraphs.

Key Features of the Scheme

- Members of all bodies listed in the Annex to the Scheme are paid an allowance reflecting both the time which might be spent and the level of responsibility involved in carrying out these posts (payments agreed by the LGA are set out below).
- The LGA does not pay Travel and Subsistence for attendance at its own meetings (i.e. Boards, Panels, Policy Review Groups, Task Groups), with the exception of the Chair, 2 Vice chair's and 4 Deputy Chair's of the Association; and the Chair's of the LGA Boards.
- The LGA does not pay Travel and Subsistence for General Assembly, conferences, seminars, etc. where members are representing their local authorities; and
- Allowances are index-linked to the principal local government pay settlement.

MOTOR CONFERENCE

Motor Conference

Motor Conference is the body that represents members of ABI transacting motor insurance business and the motor syndicates of Lloyd's Motor Underwriters Association (LMUA). Motor Conference is representative of some 98% of the motor insurance business transacted in the UK. Many of ABI's activities – for example, representations to Government – are carried out under the auspices of Motor Conference.

A number of undertakings have been given on behalf of all members of Motor Conference to various bodies e.g. Government Departments, local authorities and voluntary organisations. The undertakings allow an individual with motor insurance which includes use for personal business to use their own vehicle for the business of their employer. They also provide that the receipt of a mileage allowance will not constitute use for "hire or reward". This is to ensure that individuals in receipt of such an allowance continue to be covered under their insurance policy, notwithstanding any general exclusion of hire and reward use.

Please note that there may be a small number of insurance policies issued by certain insurers that are covered by the undertakings. To check whether any individual insurer not currently listed is a subscriber, contact motor@abi.org.uk

To check whether your insurer is a member of the Association of British Insurers please click this link

[Member directory ABI](#)

SAMPLE

Dear Sirs

Motor Policy No. _____

It is hereby declared and agreed that the policy, which permits the use of the vehicle by the Policyholder in person in connection with their business, shall be deemed to permit such use of the vehicle on the business of the employer and the receipt of an allowance from such employer for such use or in respect of the carriage by them of official passengers shall not be deemed for the purpose of the policy to constitute use hiring or for the carriage of passengers for hire or reward.

We will indemnify Durham County Council in the terms of the Third Party section of the Policy in respect of such use provided that:

- (a) this indemnity does not apply in connection with a vehicle belonging to Durham County Council
- (b) Durham County Council is not entitled to indemnity under any other policy
- (c) Durham County Council shall as though it were the Policyholder observe fulfil and be subject to the terms and exceptions and conditions of the Policy insofar as they can apply.

Yours faithfully

Members' Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Parental Leave Policy constitutes best practice and will be reviewed.

1. Leave Periods

Maternity Leave

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.

Paternity Leave

- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

Shared Parental Leave

- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

- 1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

Adoption Leave

- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Leave Arrangements

- 1.8 Any Member who takes maternity, shared parental or adoption leave is still required under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep their Group Leader (if applicable) and Head of Legal and Democratic Services informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

- 3.1 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro-rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months; or until the date of

the next Annual General Meeting of the Council; or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

- 3.4 Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Practical Arrangements

- 5.1 A Member intending to take parental leave must in the first instance inform their group leader (if applicable) and the Head of Legal and Democratic Services in writing. Members are asked to provide notice of their intention to take parental leave in accordance with the timescales set out below:
 - (a) Pregnant Members should give notice by no later than 28 days before they want to commence their maternity leave. Confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor or midwife after the 20th week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.
 - (b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the date the child is to be placed with the Member.

- (c) For paternity leave a Member should give notice by the 15th week before the Expected week of childbirth.
 - (d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.
- 5.2 Any Member taking leave for more than a 2-month period must meet with the Head of Legal and Democratic Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.
- 5.3 The Head of Legal and Democratic Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.
- 5.4 Any requests for special or exceptional circumstances, or extensions in line with the policy will be agreed by the Head of legal and Democratic Services in consultation with the Leader of the Council, and the group leader (if applicable).
- 5.5 For single Member wards it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The 'caretaking' role will be allocated to a neighbouring divisional Member as far as possible. If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.
- 5.6 Appointments to cover areas of special responsibility whilst a Member is on parental leave will be made in accordance with the relevant procedures for appointments.

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